Previous References.

File No.

Serial Nos.

Later References.
15-44 (1)

PRESERVED

GENERAL AND REVENUE SECRETARIA

Part B for

SUBJECT

The Mysore press and newspaper Act, 194

To
The compiler, Mysore Gazette
No P 5679 - Leg 50-39-1 dated 16-2-194

Notifies the publication of the Act as
Act No XIV of 1940

Representation - to Sir K. Narayan - saying that Newspaper Regn. may be amended as our 1910 bills the place in force in Br. India

Repr. of Mr. Varakopa Krishna Rao praying for the repeal of the Press Law of 1908.

When the question had been proposed on a previous occasion Govt. was of opinion that a bill on the lines of the law in Br. India might be prepared and introduced. A bill has accordingly prepared and submitted for consideration. It was argued that the bill might be deferred as the existing newspaper Regn. is simpler and much less harsh than the present British Indian Law.

Re Representation
Amendment or Repeal of Press
59860

File No. 10 of 1937

the above para may
be adopted as this inst.
note for the two re-
presentations

Sec
20/9
1937

2) put up a draft note
by
20.9

3) Submit with copies of the note
for approval
Chief Secy)

Sec
21/9
1937

OFFICE OF THE
FIRST MEMBER OF COUNCIL
SEP 24 1937
No.

21/9
1937

b) Copies taken
[illegible]

The only spare copy of the discussions which was available was given to the Publicity Office some days back. If there be no objection, it may kindly be obtained in case the Publicity Office has done with it.

Proper by

Returned with thanks 10.12.39

EN
9-12

9.12

20 The Publicity Office for kindly putting safe copy it is no longer required

Press Laws 1743

General and Revenue Secretariat	File No.	of 193 D1054.	[App. F. III—2
Serial No.			

Representations No. 59 and 60 - Newspaper Regulation. The First Member of Council stated that early action would be taken to repeal the existing Regulation and replace it by another on the lines of the Act in force in British India.

7) A draft bill on the lines of the enactment in force in Br. India was to repeal last year but was deferred.

In view of the reply of Govt in the last Assembly it is for orders if further action may be taken in respect of that Bill.

8) Please put up that file with an extract of discussion

9)

To R. A offices (supervising Ins) for putting up an extract of the

174.

Repeal of Newspaper Regn

File No. of 193 | General and Revenue Secretariat

such with the consent of the discussions in the R. A. on the subject.

The file on the Bill prepared ~~put~~ up last year is flagged D.

CHIEF SECRETARY
17 DEC 1937
GOVT. OF MYSORE

See 10/12

10) The Dewan in his concluding speech has also mentioned that a bill on the lines of British Indian Press Law will be placed before the Assembly. The Sr. member also had made a similar statement during the course of discussion.

11) If approved necessary steps will be taken to lay place the general principle of the bill before the next R. A. The bill already prepared is found at flag D. It closely follows the Bor Indian Law

Gen. Secy

1st member
Pres. Gen. Secy

hy 15/12

MS 17.12.37

Pl. agree

hy 17/12/37

SPR 21/12

MS 21/12

hy 22/12

3 MS 22-12-37

MS 23/12

14/Please send the office of reference from

hy 20/12

Sub Sec 3/1/1

GENERAL SECRETARY
17 DEC 1937
3501

OFFICE OF THE
FIRST MEMBER OF COUNCIL
No 3746

Newspaper Bill

5

Serial No.

15 Submit with a draft typed Bill
Revision as directed in person.
SG
1/9/38

16 The draft News paper Bill closely follows the British Indian Press Act (Emergency powers) of 1931 as amended by Act XXIII of 1932 ~~and by Act~~ and as amended by the Criminal Amendment Act of 1935. The 1931 Press Act has undergone a few changes by the later Acts but with these changes the Act of 1931 is permanently placed on the Statute Book.

17 Our bill closely follows this amended Act.

18 Sec 20 of the Indian Press Act & Sec 28 of the Sind Act are both omitted in our bill. Sec 20 deals with empowering customs or other officers to detain packages containing objectionable publications when imported into British India by land, sea or ~~air~~ air.
This does not appear necessary in Burma as we have no corresponding customs officers here. This object can be achieved by the powers given in Sec 19 of the British ~~Act~~ (Sec 20 of the Bill)
~~& Sec~~ 22 gives power to postal officials to detain ~~articles from~~ unauthorised News sheets etc. This is not necessary here as the Post.

5103

Mysore News Paper Bill

File No. of 193

General and Revenue Secretariat

officials belong to foreign Govts

We have added a new sec 3 stating that previous permission of Govt is necessary to start news paper. This has been done in accordance with the minutes of the Dewan dated 10.12.33 in the file kept below.

20 During the course of the discussions in the last B.A some members stated that no previous permission of Govt should be insisted on hereafter.

Gen Secy) 9/3/38 2.3.38

1st Member) 9.3

21 May be placed before the next Rep^ve assembly & included

5235
SECRETARIAT
3 MAR 1938
4967
FIRST MEMBER OF COUNCIL
MAR 9 1938
No 5993

Impose Newspaper Bill 5103/P

eneral and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

OFFICE
27 MAR 1938
No. 6575

23. This is a central matter. May be disposed of by circulation of opinions.

Chief Secy) Up Sub 18/3

2nd Member) 16/3

CHIEF SECRETARY
16 MAR 1938
GOVT. OF MYSORE

19/3

OFFICE OF THE FIRST MEMBER OF COUNCIL
18 MAR 1938
No. 696

25. It would be better to ascertain the views of the new committee on political affairs before placing the principles of the bill before the R.

21/3/38

1st Member) 21/3

26) There is no objection. However Govt are committed to the L C & R A to introduce the bill on the lines of the British Indian Act. The Bill has been prepared accordingly & there will not be much scope for discussion

22.3

Dewan) 25/3

OFFICE OF THE FIRST MEMBER OF COUNCIL
MAR 26 1938
No. 6572

27) Let us consult the P. A. Committee ~~[illegible]~~ to discuss clauses. My bill full flatness.

27.3.38

Please include in the Agenda

29/3 30/3

Newspaper Bills 8

File No. [illegible] of 193

General and Revenue Secretariat

29) Sub. with a drawer to the Press to get copies of the Bill printed so that copies thereof may be made available to the members of the P.A. Committee.

BG 2/4

Issue & submit 2.4

DS Secy PS 5/4. Dy 5/4

Final Note by the First Member of Council.

Subject.—

NEWSPAPER BILL.

36) The repeal of the Newspaper Act, 1908, has been urged several times in the Representative Assembly and the Legislative Council. Representations were brought at the last Dasara Session of the Representative Assembly requesting that the present Act may be repealed and if necessary, one more or less on the lines of the British Indian Act placed on the Statute Book. On behalf of Government, I replied that a bill on the lines of the British Indian Act would be prepared repealing the present Act. A Bill has accordingl been prepared. The main features of the Bill are that -

(1) permission will have to be obtained as heretofore from the Government for the publication of a newspaper,

(2) security may be demanded whenever circumstances require fro the keeper of the Press or the Publisher of the Newspaper,

(3) security may be forfeited if it appears to Government that the Press is used for printing matter of an objectionable nature, and.

(4) that any newspaper, book or document, containing objectionable matter, may be declared forfeited.

ion is made for an application to the High Court against the demanding security or forfeiting the security or the Press.

The Political Affairs Committee, which was consulted, is nion that the Bill may be introduced.

This Bill has been agreed to by the Dewan and the Second of Council and I solicit the gracious sanction of His Highness acing the general principles of the Bill before the Represent-

Representative Assembly in June and its introduction in the Legislative Council in due course.

MEMBER OF COUNCIL

Bangalore,
3rd May 1938.

bmitted to His Highness.

I submit herewith a Final Note by the First

Member of Council re: Newspaper Bill,

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

5-5-38

General and Revenue
Secretariat.

SUBJECT :—

The Insurance Nationalisation Bill

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

..... Department.

41) 62885 / 10/5 — FIRST MEMBER OF COUNCIL. 18/5

42) 8572 / 10.5.38 SECOND MEMBER OF COUNCIL. 11/5/38

Proti

5103

Newspaper Bill

General and Revenue Secretariat | File No. | [App. F. III—2

Serial No.

(43) Submit for orders of the copies of the St. of the principles and be made & sent to R. A. Office

Yes hq 12-5

SEWAN'S OFFICE
24 MAY 1938
No. 8128

Typing section for 3 copies of F.C.D.

(44) To R. A. Office with 3 copies the Statement.

(45) 3 Copies taken & file returned.

17-5-38

(46) Submit for orders if the bill may be published under rule 8 of F.C. in if approved the St. of general principles may be adopted as the St of objects & reasons

(47) Minister & Dewan

hq 20/5

OFFICE OF THE SECRETARY
17 MAY 1938
LEGISLATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

TYPING SECTION

6669
23/5

(48)

(49) 24-5-38

23/5

NOTE—Contn. Sheet.

Typing Section for making 3 copies of the St of objects & reasons

WD 0284—GPB—30,000—13-8-37

Newspaper Registration.

D. 1810

File No. of 193

General and Revenue Secretariat

51) R e opinion with 8 copies of Bills & 80 - of objects & reasons

Sd
27/5

51) Three copies taken and the file put to Prot. B.

Sd
28/5/38

52) Sec. Law. Pls. consider as to who is to be in charge of this bill in the R. A.

Sd
31.

53) General ~~Secy~~ Secy may be in charge of this bill

Chief Secy

by
2.6

TBZ
3/6

OFFICE OF THE SECRETARY
28 MAY 1938
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

CHIEF SECRETARY
- 2. JUN. 1938
GOVT. OF MYSORE.

5103

2087/L.C

Press Bills

Serial No.

The Assembly that Govt have no objections to most clauses 3 or the Bill. 9 hrs may perhaps be mentioned while moving for the Bills being read in council.

55) Subs. for orders if the following motions may be included in the agenda for the morning meeting of L.C.

(a) motion that the Bills be read in council

(b) motion that the Bills be referred to a S.C.

56) may be approved.

(Sd. Member)

12.6

57) 12/6

58) 13.6

9 d : space for note or return

14/6

(b) noted and petd to Prot. B?)

WD 0417—GPB—30,000—8-9-36

15/6/38 15/6

1685/38
p638

Press Bill

D.115

File No. of 193 | General and Revenue Secretariat

Serial No

61) The Bill was read in Council & referred to a Select Committee at the last meeting of this L.C.

62) This may be sent to Information Section for kindly noting the names of the members of the Select Committee.

R.A. + L.S. offices

Sd 30/7/38.

63) A copy of the L.C proceedings be put up. The S.C meeting has been fixed for 19/8 next at 3 p.m.

64) Submit with a draft notice

Sd 10/8/38

issued 10

Sd 18/9/38 Issued vide P 1431-40 of 18/9.

Submit the proceedings of the S.C on the Bill held on 19/9/38

66) It was suggested that certain Press representatives may be examined as common witnesses

67) Submit for orders

Sd 11/10/38.

Serial No.

68) The Proceedings of the Select Committee meeting held on 19th September are kept below. Only 6 clauses of the Bill have been considered.

69) For consideration of other clauses the Chairma has been pleased to fix 5th and 6th December provisionally for the meeting of the Select Committee

70) The Members of the Select Committee stated that they would be glad to elicit opinion of the select owners of newspapers and owners of printing presses. Mr. P.R. Ramiah who promised to give a list of such names has not done so.

71) Mr. Hayavadana Rao also promised to give his suggestion in the matter. He too has not done so

72) The points for orders are:-

1. Whether it is necessary to invite press owners and newspaper owners to the Select Committee meeting.

2. If so, who are to be invited?

3. Whether Messrs Ramaiah and Hayavadana Rao should be reminded of their promise.

they seeing in the fighting sky of this maybe talked over at the meeting

SPR

L 7725
12/11

(Sri member)

74) As I have other unavoidable engagements for 5th & 6th Dec. this meeting may be held on 8th & if necessary on 9th also

12.11.38

SPR
14/11

15/11

15/11

1554

Newspaper Bills

File No. of 193

General and Revenue Secretariat

Submitted with a draft of notice of S.C. meeting for q/to as personally no Minister.

See 7/12/38. 76) noted 1.12

Issued no 2723-32 dt 2/12/38.

Submitted with the following of the meeting of the S (Sub-Member)

8/12.

Submitted with a draft report of the Select Committee. A. the approval of the Minister sent to the

5'4 87

1685

Newspaper Bills

Serial No.

82) Sent with a draft to members of the committee forwarding the report for approval.

SG 17/12/38

83) Issue
WJ 17.12

Issued P 3140-2 of 20/12

84) The report has not yet been returned with approval by members H. V. Ramaswamy, Hamilton, Puttaswamy & Subramanyachetty

85) Sent with a draft resolution.

Before the 5th Jan
WJ 28.12

SG 29/12/38.

87) Issue
WJ 29.1

Issued no P 3361-3 of 29/12

88) ~~Report~~ Approval of the report is still due from Mr. H. V. Ramaswamy and B. S. Puttaswamy.

89) The report has to be published by 5th ~~it may~~ perhaps be published with

[illegible] Commons' office was [illegible] by phone. They have promised to send the report today

D.981/L.C. 168

File No. of 193

General and Revenue Secretariat

a note that this approval may be published in the Gazette.

90) Mr. Subramania Aiyar has signed subject to a note. It is for orders if the note may also be published. Submit, for orders.

91) Issue with the Note of Dissent

SG 3/1/39.

92) To L.C. Office for publication

3 Copies taken

SG 3/1

BVM 3-1-38.

93) A copy of the Bill as amended is put up for may be sent to L.C. Office for getting copies printed

SG 3/1/39

L.C. Office)

94) Copy taken and file return

BVM. 5-1-39.

Protocol

5.1

95) The Bill as amended by the S.C. may be taken into consideration at the usual meeting of the L.C.

LEGISLATIVE ASSEMBLY SECRETARY LEGISLATIVE COUNCIL SECRETARY

4208

22

D.98/L.C. Newspapers Bill

General and Revenue Secretariat | File No. | of 193 | [App. F. III—

Serial No.

98) Sudu for adjournment the following motions:—

(a) Motion that the report of the Select Committee on the Imposition Newspapers Bill and the Bill as amended by them be taken into consideration.

Movers: First Minister

Seconder: Chief Secy.

(b) Motion that the Bill as amended be passed

Movers First Minister

Seconder Chief Secy

(Mr. Member)

6/1/39.

99) Nil 6/1/39

100) To L.C. Office for notice & return

101) Noted & returned

10.1.39, Protn. Gen

11.1.39

OFFICE OF THE FIRST MINISTER AND COUNCIL
JAN 6 1939
5448

OFFICE OF THE SECRETARY
9 JAN. 1939
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

4547/P 938

Amendment to the Mysore Press & Newspapers Bill

Serial No.

(02) The Residency have, in their suggestions in regard to the application of Acts to the Civil Station after retrocession, stated in respect of the Mysore Newspapers Act that " the Mysore Act may be applied, but it is requested that amendment should be made to section 5(c) and 6 of the new bill in order to include mention of British Military Force".

(03) In the Mysore Press and Newspapers Bill which will come before the Legislative Council, clauses 4(1)(c) and (i) refer only to Mysore Military Force. The suggestion of the Residency is that seduction from the British Military Force and the anti-recruitin campaign in regard to British Military Force should also come under the operation of the section. There seems to be no objection to this. The Select Committee report will come up for discussion before the Legislative Council. An official amendment may be moved to the following effect:

(1) In item (c) of sub-clause (1) of clause 4 of the Bill as amended by the select committee insert the words " or any officer, soldier, sailor or airman in the Military, Naval or Air Force of His Majesty" after the words " the Mysore Military Force";

(2) In item (i) of sub-clause (1) of clause

D.1110

-1547

Newspapers Bill

File No. of 193

General and Revenue Secretariat

OFFICE OF THE FIRST MEMBER OF COUNCIL
JAN 16 1939
No 5653

insert the words " or in any of His Majesty's Forces" after the words " Mysore Military Force".

(b) The words suggested for insertion follow the wording in the Indian Press Act, sections 4(1) (c) and (i).

There are analogous references to His Majesty in items (d) & (h)

1st Member) Ce 16/1/39

Sec. Leg. Council) Ce 17/1/39

Ce 17/1

17.1

(15) To The L.C. Office for including the above two amendments as motions under the Mysore Press and Newspapers Bill in the agenda of the L.C. These two motions will come after the motion that the report of the Select Committee and the Bill as amended be taken into Consideration and before the motion that the Bill be passed. The mover will be the the first member and the seconder will be Mr. ~~[illegible]~~ the Chief Secretary,

Done 17.1.39

17/1/39

Noted & returned.

Prof. Gr)

18.1.39. 18

Govt. General

Chief Secy)

19/1

CHIEF SECRETARY
19 JAN 1939
GOVT. OF MYSORE

Newspapers Bill

Serial No.

109) After discussion on the motion to take the report of the Select Committee and the amended Bill into consideration, this Bill was recommitted to an ~~enlarged~~ enlarged Select Committee at the recent Legislative Council meeting held in January 1939.

110) In addition to the members of the Select Committee who already reported on the Bill, the following members were added to the new Select Committee.

1. Mr. D. V. Gundappa
2. Mr. Belur Srinivasa Iyengar
3. Mr. D. H. Chandrasekhariya
4. Mr. H. B. Gundappa.

Members of the old Select Committee.

1. Rajasevaprasakta B. T. Kesavaiyengar.
2. Mr. J. A. Hamilton
3. Mr. Mile N. Lakshminarayanappa
4. " Mahomed Abbas Khan
5. " C. Hayavadana Rao
6. " P. Subbarama Chetty
7. " G. Girmaji Rao
8. " K.R. Subbannachar
9. " H. V. Ramaswami
10. " B.S. Puttaswamy.

111) The meeting of the Select Committee is fixed for the 3rd and 4th April 1939.

a draft O.M. to the members is submitted for orders

One 27.3.39.

112) Issue BKR 27-3

Issued P 5113-26, 28.3.39 to the members of the Select Committee, P.A to 1st member, L.C. office and O.B.

3) A draft O.M. that the meeting is postponed to the 28th april is submitted as ordered.

One 1.4.39

114) Issue 1.4.39

Issued P 5188-5201 dated 1-4-39

Newspapers Bill

File No. of 193

General and Revenue Secretariat

From

Mr. D. V. Gundappa letter dated 20th April 1939 submits a note on "Controlling the Press" for being placed before the Chairman of the S. C and for circulation among the members of the S.C with the Chairman's permission

115) Submitted for orders:

Mr. Gundappa suggests a new method for Controlling the Press to serve the Purpose intended instead of the Proposed measure. This he Calls the method of "Suspensible declaration". Shortly this is some as follows:

"The Editor, Proprietor, Printer and Publisher of every paper should each make a declaration before (as at Present under Sec 5 of Act XXV of 1867).

When any matter Printed therein appears to encourage or have a tendency to encourage offences like 124-A, 153-A etc of the IPC fort shall lay a Complaint before the Dt Magistrate. He may suspend the declaration pending enquiry and after enquiry may Cancel declaration for a peri not exceeding one year. This will be subje to appeal to the High Court. During the peri of suspension the editor etc shall not make a fresh declaration before any other or the sam

Newspapers Bill

General and Revenue Secretariat	File No.	of 193	[App. F. III—2

Serial No.

From

The Secretary Mysore Journalists Association

letter dated 28.4.'39 requesting that their representative may be heard on this Bill

The Select Committee met on the 28th inst. all the members except Mr. H.B. Gundappa & Mr. B.S. Puttaswamy were present. (Mr. J.A. Hamilton having ceased to be a member). After a general discussion, it was decided to invite representations of the Mysore Journalists Association and Editors of the following papers viz "Tai nadu" "Viswakarnataka" "Al-Kalam" and "[illegible]" for information and otherwise make representations on the next date of the meeting.

Submitted for orders when the next meeting may be fixed.

One
1.5.39

Mr. D.V. Gundappa

letter dated 28th April 1939 requesting certain information he wants

List of members of the enlarged Select Committee

Copy of Proceedings of the ~~[illegible]~~ last ~~meeting of the~~ [illegible] and this Bill

Information whether first Bill or revised Bill is going to be the basis

Copy of the British Indian Criminal Law Amendment Act 1935

Newspapers Bill

and (5) date of the next meeting.

120) Submitted for orders. He also wants copies of his note to be circulated among members of the S.C. Reference is invited to the note at flag "G" where it has already been ordered that his request cannot be complied with.

121) If approved a draft will be proposed as the date of the next meeting is fixed.

1 & 2 may be complied with with regard to item 3 of his letter (viz which version of the newspapers bill is proposed to be taken as the basis for discussion) it was clearly decided at the last discussion that the bill as amended during S.C. should be taken as the basis when the relevant clauses came up for consideration. Mr. D. of Surgeat for consideration his ~~ca~~ 1 corresponding clauses if any of his bill. It was the idea of the Committee that the bill ~~[illegible]~~ bill should be considered ~~[illegible]~~

As the note of Mr Gundappa including veto has already been read ~~[illegible]~~ before the committee no purpose is now served by circulation. There is also no necessity for the Govt to circulate a note of one of 11

Serial No.

CONFIDENTIAL
FIRST LEGISLATIVE COUNCIL
MAY 3 1939
No. 8602.

members containing a new bill to others in advance

124) No ~~5~~. This will be communicated to them in due course after the date is settled.

125) A note ~~letter~~ reply is put up for approval (to member) 2/5

DEWAN'S OFFICE
9 MAY 1939
8.24

126) Do speak
3/5/39

CONFIDENTIAL
FIRST LEGISLATIVE COUNCIL
MAY 6 1939
8.61

127) A note is submitted as instructed note to Mr Gurudappa is for approval (to member) 6/5

128) Reference is invited to Mr Gurudappa's note ~~and~~ in which he suggests that the News-papers Bill might be recast in certain directions indicated by him. The difficulty in the way of adopting his suggestions are explained in the office note kept below. His main point is that in place of the system of forfeitable deposits, one of "suspensible declarations" should be adopted. But such a modification would not be in keeping with the spirit of the bill and would make its provisions ineffective for the purpose in view.

129) Among other members of the Committee, there appears to be a feeling that a free

Serial No.

declaration (ie not accompanied by deposit of security) might be permitted, not at the option of the Magistrate or of the Govt, but as a matter of course in all cases. This would not be a very far reaching change and might conceivably serve to mitigate the unpopularity of the measure. But even this, as shown in the office note, is attended with a cer amount of risk which is best avoided.

130) The procedure suggested by Mr Gnanappa for an enquiry before a Magistrate would not be satisfactory either from the point of view of Govt or of the Keepers of presses and publishers of newspapers.

131) On the whole, it seems to me that it is best to adhere to the provisions of the bill as it has emerged from the Select committee and confine further changes (if pressed by the members) to matters of detail E.g. the amount of security deposit provided in the Penal sections

Dewan,

NCU
8-1-5-39

132) MS
9-5-39

NCU
11/5/39 hsg 11.5

The Mysore Newspapers Bill.

Serial No.

5 AUG. 1939 989

4 1939 1185

142) An O.M. to the members of the Select Committee meeting on the 17th instant is put up for orders.

3.8.39

143) The personnel of the Committee is as Flag T. Mr. J.A. Hamilton has since resigned and is not on the Committee. Mr. Peel has been nominated to the L.C.

144) Mr. Peel may be appointed to the Select Com in place of Mr. Hamilton. There is no vacancy for the Law Secretary on the S.C. If approved he will be heard under S.O 52 as Secretary.

1st Member
Dewan

4/8/39

5/8/39

145) 5-8-39

3/8/39

146) A draft letter to the I.G.P. intimating that he has been appointed an additional member of the Select Committee is put up together with four copies of the Cons. re the meeting.

8.8.39

147) If the Secy P.O. so should be the Secy to the committee as directed already the minutes may issue under

Mysore Newspapers Bill — S.C.

File No. of 19

General and Revenue Secretariat

Serial No.

under the signature of the Asst Secy Pro Tem (attached to the Committee

Sd/-

Law Secy

8/8

Issued P 724-36 dated 8-8-1939 to the Members

Issued P 748 dated 8.8.1939 to the D. G. of Police

150) The third meeting of the reconstituted Select Committee was held on the 17th instant. All the members except Messrs H.V. Ramaswami and B.V. Gundappa were present. The first 4 clauses of the Bill were gone through and the meeting was adjourned for want of time.

A Copy of the Proceedings of the meeting is put up.

151) Submitted for orders as to the ~~next~~ date which may be fixed for the next meeting

23rd August, 31st August and 2nd September have already been fixed for other Bills

21.8.39

(Sd Member)

30.8.39

30th Septr

1/9/

6501/38

Mysore Newspaper Bill.

General and Revenue Secretariat.

File No. of 19 [App. F. III-2

Serial No.

Issued D.O. P 1815-28 dated 14.9.1939 to the members for the meeting on the 30th Sept. at 1 pm.

OFFICE OF THE FIRST MINISTER (COUNCIL)
NOV 11 1939
4551

From

E. G. B. Peel Esq. I.C.S. Goria

D.O. no C.208/39-40 dated 15/18-9-39

stating that he has to leave to attend the meeting on the 30th.

1) The file is submitted for the meeting fixed for tomorrow.

29.9.39

BKR 29.9.39

Sr Member)

Meeting of S.C. 30-9-39 at 1 pm.

Mr. D.V. Gundappa has resigned from the Committee

154) The fourth meeting of the reconstituted Select Committee was held on the 30th September 1939. All the members except Messrs E. G. B. Peel, D. V. Gundappa and K. R. Subbaraccha who had sent letters expressing their inability to attend the meeting, were present.

155) All the remaining clauses of the Bill were gone through.

A report of the proceedings of the meeting is put up.

A draft report of the Select Committee is also put up for orders.

Sd 2.11.39

BKR 11.11.39

1st Member)

156) 13/11/39

13/11

BKR 13.11.39

The Mysore News papers Bill
S.C. Report

File No. of 19

General and Revenue Secretariat

Serial No.

Copies will be got lithed and forwarded to the Members for favour of Signature approval

Draft R.O is also sent

Sm.
13/11

The
BXR
13.11.39

Sanctioned to P 3342 - 43 dt 14.11.39 BXR
Members forwarding Copies of the C.R.

The following members have not yet signified the approval to the report of the Select Committee.

A draft reminder put up

1. Mr. P. Subbarama Che
2. " P. Girimaji Rao.
3. " B. S. Puttaswamy
4. " Behu Srinivasa Iyengar
5. ~~" D. H. Chandrasekharaiah.~~
" H. B. Gundappa

Mysore Newspapers Bill - 3604/P

eneral and Revenue Secretariat. | File No. of 19 | [A pp. F. III-2

Serial No.

DEC 6 1939
No. 466

From

The Secretary, Mysore State Journalists Association

letter d 1.12.39

forwarding a resolution passed at the annual meeting held on 26.11.39 recommending the withdrawal of the Bill.

(1,2) In this connection reference is invited to a memorandum on the Bill submitted to the Select Committee by the Association and considered by the Committee before drafting the report. In the memorandum a similar request for withdrawing the Bill was put forward but not accepted by the Select Committee which examined Mr. P.R. Ramiah also on behalf of the association.

The present request is based on a new ground, viz: the announcement of the Reforms and Conferment of extended Privileges upon the people in Mysore.

Submitted for orders.

5.12.39

(1,2) No convincing grounds are set forth by the Association justifying their request for withdrawing the Bill.

BXR 8.12.39

Law Secy

(1,2) For personal

(for Henley)

6/12

BXR 6.12.39

(1,2) Nee 7/12/39

Gn 1.1.

BXR 8.12.39

Mysore Newspapers Bill

File No.

General and Re
Secretariat

Serial No.

From

G. Girimaji Rao Esq. Member Select Committee states that the report has not been received by him.

166) Another copy of the report ~~is~~ to be forwarded to him as ordered on the P.U.D.

Lto with a draft

5.12.39

Ilthe
BKR
8.12.39

Issued Do P. 3986 d 9.12.39 to Mr Girimaji Rao with another Copy of the Select Committee Report.

168) Intimation of their approval of the report has yet to be received from Messrs P. Subbarama Chetty and H.B. Gunda D.H. Chandrasekharaiya has ~~approved~~ intimated approval subject to a note of dissent which has not yet been received. If approved the report will be sent to the Gc. Office for publication subject to ~~the~~ ~~above~~ a note as above. The facts of Mr. E.G. B. Pels appointment vice Mr. Hamilton resigned, and the resignation of Mr. D.V. Gundappa from the Select Committee will also be included.

BKR
18.12.39

1st Member)

169) Nil
28/12/39

Mysore Newspapers Bill.

Serial No.

JAN 4 1940
6303

170) Forwd
Mr. D. H. Chandrasekharaiya
letter d 30.12.39 enclosing his minute of Dissent.
The report of the Select Committee was published in the Gazette (Pt IV) of the 21st December 1939.
The minute of dissent with, if approved, be sent to the L.C. Office for publication in the Gazette.
Submitted for orders.
Law Secy) 3/2/1

WORK DEPT. 1.1940 MYSORE

2.1.40.
1st Member
C 2/1/40
3/2/1940

171) 4/1/40.
C 4/1

172) To L.C. Office with three copies of the note of dissent of Mr. D.H. Chandrasekharaiya for publication in the Gazette
3/4/1
5.1.40

173) 3 copies taken & the file returned
6.1.40.
Protection Branch)
6.1.40.

174) The following motions are suggested for inclusion in the Agenda of the L.C.

1. Motion that the report of the Select Committee and the Bill as amended be taken into Consideration

Mover: 1st Member

Seconder: Law Secretary

Upon Newspapers Bill 4299 ?

File No. D.1132/Re ~~of~~ 19

General and Revenue Secretariat.

Serial No.

7. Motion that the Bill as amended by the Select Committee be passed.

Mover — 1st Member

Seconder — Law Secretary

Law Secretary 3/1

4298/61

1st Member 6/1

JAN 6 1940

No. 6448

MM 11.1.40

Mysore Newspapers Bill

4299/P

General and Revenue Secretariat. | File No. | of 19 | [App. F. III-2

Serial No.

JAN 31 1940
7328

23rd January 1940. The Bill was finally passed on the 24th January after certain amendments made in the Council

181) A D.F.N. is put up for ado

30.1.40

31/1/40

182) 1st Member

Signed Final Note is kept in file.

31/1

31/1/40

Dewan

31/1

Final Note by the First Member of Council.

Subject. –

The Mysore Press and Newspapers Bill.

184) On the 6th May 1938, the gracious sanction of His Highnes was accorded to introduce the Mysore Newspapers Bill to replace the Newspapers Act, 1908.

185) The general principles of the Bill were placed before th Representative Assembly in June of that year but were not accepted by it.

The Bill itself was thereafter introduced in the Legislative Council in the Budget Session in 1938 and was referred by it to a Select Committee. Its report together with the Bill as revised by it was presented for consideration at the Legislativ Council in June 1939. The Council, however, recommitted the Bill to an enlarged Select Committee for reconsideration.

187) The Report of this enlarged Select Committee came up for consideration by the Legislative Council at the meeting held on the 23rd January 1940. The Bill was modified in some particular by the Council and finally passed on the 24th instant.

188) I now solicit the gracious assent of His Highness to th Bill.

N Madhava Rao

MEMBER OF COUNCIL.

Bangalore,
31st January 1940.

Submitted to His Highness.

189) *I submit herewith a Final Note by the* FIRST *Member of Council on the subject of* the Mysore Press and Newspapers Bill,

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

Bangalore,
1st July 1940,

40

Record of Cases submitted for the Orders of

His Highness the Maharaja.

No 520
1.2.40

Subject.

Mysore Press and Newspapers Bill.

Order.

~~KRW~~
2/2/40

General and Revenue
Secretariat.

SUBJECT:—

Mysore Press and Newspapers Act

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness orders before/after issue of orders. (*Vide* *Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,
Law Department.

7498
6.2.40

191) FIRST MEMBER OF COUNCIL. 6/2/40

6460
7.2.40

192) SECOND MEMBER OF COUNCIL. 7.2

193) Law Secy. with compliments.
7.2.40

neral and Revenue Secretariat. Legs File No. 50

Serial No.

The gracious assent of His Highness was accorded on the 2nd February 1940 to promulgate the Bill with laws.

A Draft G.O. directing publication of the Act as Act No XIV of 1940 is put up

Sd/-
10.2.40

195) for formal signature
(Law Secretary)
3/10/2/40

LAW DEPT. 5647 10 FEB. 1940 GOVT OF MYSORE

(1-6) Set a proof & scrutinize

Sd/-
10/2

Set a proof should be in time
3/10/2

Sd/-

Sd/-
10/2

Issued P.N. No P5679 - Legs 50-39-1 dated 14th February 1940 directing publication of as Act XIV of 1940.

The Proof has been received from the Press and is put up as asked

Sd/-
28.2.40

Please scrutise the proof.

Sd/-
28/2

The Proof has been scrutinized and is submitted for approval

Sd/-
28/2

Sd/-
28.2.40.

Corrected Proof sent to Press for publication today. (28.2.40

OFFICE OF THE SECRETARY 23 FEB. 1944 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

Sheet.

Leges 40-357-1 (8973)

FORM ~~III.~~ I. WD 405—GPB—2,000—2-9-27

Memorandum of ~~Resolutions proposed to be moved~~ proposed Subject/for discussion in the Dasara Session of the Representative Assembly of the Bangalore District.

For the Dasara Session of October 1923 7.

~~No. 15.~~

Subject	~~Resolution~~ Summary of Representation.
Amendment of the Mysore Newspapers Regulation on the lines in force in British India.	Most of the Newspapers publishe in British India have circulation in the Mysore State. But the local Newspapers are not able [illegible] news and ~~the~~ views as freely as the British Indian papers. It is therefore prayed that the Newspapers Regulation in Mysor may be amended on the lines of the Regulation in force in British India.
~~No.~~	
Name of Member	
Mr.K. Narayana Setty,Magadi.	

Previous references relating to the subjects.

1745 83

FORM I.

Memorandum of Subject proposed for discussion in the Dasara Session of the Representative Assembly of the Kadur District

For the Dasara Session of October

WD 0189—GPB—2,000—29-9

No.

Summary of Representation.

Subject

Repeal of the Press Act.

It is prayed that the Press La of 1908 in the State may be repea

Name of Member proposing

Mr. Hosakopna Krishna Rao.

Previous references relating to the sul

In answer to question on the subject dur: dent has observed that the matter is decision will be reached as early as possible. (Page 77, R. A. coedings. October 1936.)

The Mysore Representative Assembly
Dasara Session - October 1937.

Subject No. 2, by Mr.Hosakoppa Krishna Rao. on the subject of Repeal of the Press Act.

Subject No.15, by Mr.K.Narayana Setty, Magadi, on the subject of Amendment of the Mysore Newspapers Regulation on the line in force in British India.

Secretariat Note.

When ~~the~~ a similar question had been proposed on ~~the~~ a previous occasion Government was of opinion that a bill on the lines of the Law in Briti India might be prepared and introduced. A bill was accordingly prepared and submitted for consideration. It was ordered that the bill might be deferred as the existing Mysore Regulation is simpler and muc less harsh than the present British Indian Law.

No.59. Repeal of the Press Regulation

Mr. Hosakoppa Krishna Rao. Koppa Taluk.

Mr. Hosakoppa KRISHNA RAO was glad that the
ɔject of repeal of press law had come up
'ore the House once again and at a time
ɜn the political atmosphere had been
:charged with nationalism and a change in the
gle of vision had come about as a result of
ɔular ministry holding the reins in most
itish Indian provinces pointed out
ıt the Press Law in Mysore was like the
ɔrd of Damocles hanging over the head of all
lependant and bold pressmen. Freedom
expression had been severely affected.
did not know for what reasons considered
ɜt the Press Law was introduced in Mysore
ıg long ago. Even to this day who was to be
.d primarily responsible for the inauguration
the Press Law in Mysore had been a secret.
The evidence tendered in England before the
Joint Parliamentary Committee by the late
Mr. V.P. Madhava Rao clearly pointed out that
the responsibility for the promulgation of the
Press Law must be in other quarters. But
that apart, ceaseless agitation had been going
on for years past in regard to repealing the
law. And however much the people represented,
Government did not see eye to eye with the
demand. The Press Law still remained on the
Statute Book. It might no doubt be considered
to be an absolute necessity for any Government.
But such was the rigour of its provisions that
there was no possibility of any independant
press to thrive. That was the reason why
capable men were not bold enough to come forward

to edit papers within the State. The Press Regulation transgressed the ordinary law of the land and gave extraordinary and unlimited powers to the executive which might use them to its own advantage at its will. It was not right for the Government to have unlimited and extraordinary powers. They must allow the play of free expression. The whole country was pulsating with ideas of liberty, freedom, fundamental rights, and so on. The essential feature of progressive administration was to give fullest scope for expression. In fact, a Fress Press was a necessary appendage and a fit associate of a representative constitution and a symbol of a progressive nation. Great parliamentarians and wise statesmen had agreed to this view. It was Mr. Gladstone who said in ~~the~~ Parliament, when a similar question was under discussion then, that surely it was not his desire to prevent people marching forward, that however much they went in the wrong path they would be not interfered with and that when they felt the thorns, the stones and the pitfalls in their onward march, they would themselves retrace their steps. Wise words indeed they were. Such was the perspective with which the freedom of press was viewed in England. But here it was not so. The Govt. viewed with dismay any liberty to Press. That was why th repressive law had still remained in the Statut Book, marring the reputation of the ~~fairxname~~ model state. The sooner it was repealed the better it was for the State. Govt. had promised in the past that they would bring an amended bill. But no action seemed to have been taken in that regard. He hoped that the

Regulation would be repealed.

Mr. C.N. NARASINGA RAO thanked the mover for having done a great service to the country at large in moving for the repealing of the Press Regulation. The representation was a very important one and was deserving of serious consideration at the hands of Govt. The present Press Regulation was a small one having only 8 sections. But they were as brief as dangerous. All possible restrictions had been included in those sections. Accordin to one section, no newspaper or other printed work shall without the written permission of Govt. be edited, printed or published. Another section was that even if such permission had been given in writing, it mightbe withdrawn by Government at any time without assigning any reasons therefor. Such an unreasonable provision existed in no law of a civilized Govt. Even the accused person was given an opportunity to defend himself and prove that he was not guilty. But even that elementary right of defence had been denied to the Press. There was yet another section which stated that if any person edited or published or printed any newspaper without a permission from the Government, he could be deported and prohibited from re-entering the territories of Mysore without the written permission of Government and if he did not obey, the Govt. had the power to ~~expe forch~~ forcibly expel him from the territories of Mysore and in addition confiscate all the machinery, plant and the utensils and other things concerned with the printing press. In spite of these numerous

umerous restrictions, the press in Mysore was
enerally very sober, a fact which had been
cknowledged by the Dewan himself sometime ago.
ne editors of newspapers were conducting
nemselves with gre t restraint and responsibi-
ity. In spite of it, the Press law had still
emained in the Statute Book. The law traced
s origin to British India. The mere mention
f the words, 'Swaraj', 'Independance', 'Vande
ataram' were considered in British India as
editious and exhibiting disloyalty. There
as violent agitation in the British
erritories conducted on behalf of the Congress.
ne British Indian Govt. was in a panic; and
t had recourse to all sorts of repressive
egislation to put down the first lispings of
rowing national self-consciousness and to
ictate to Press the terms under which it might
e permitted to live, so that they might
aintain their own prestige by exercising some
ind of check. The Govt. of Mysore caught
hat contagion and worked for this piece of
egislation. Takig the situation in British
India an an excuse and using it as a cloak
he Government here had this Press legislation
ntroduced. But a great change had now come
ver the mentality of the powers-that-be.
Every day, though the words ' Independance' and
Swaraj' were being proclaimed from house-tops,
they were not considered as seditious and
exhibiting disloyalty. And there had been no
instances where the press had acted in a manner
disloyal to the sovereign.

was superfluous. The provisions in the Criminal Procedure Code and in the Indian Penal Code were quite adequate to deal with the offenders and there was nothing in the provisions of the Press Law which were not covered by the ordinary law of the land.

The present conditions in Mysore did not warrant the existence of the Press Regulation. It required to be repealed immediately. If that could not be done, he said that at least a committee be appointed to consider how far it could be ~~amended~~ modified to suit the altered conditions. For instance, there was the provision that no newspaper should be published without first obtaining a written permission from the Government. Such a, in his opinion, was a clear violation of inherent and fundamental right of a citizen namely, freedom. Permission could be refused to a paper even before it could make its appearance. That was not a sound provision. The license, he thought, should not be refused to any body. In fact there should be no difficulty in obtaining license in the first instance. And after giving license, if the paper behaved in an irresponsible manner, by all means then the license might be withdrawn. But even then opportunity should be afforded to the Press concerned to defend itself. Now-a-days vernacular presses were on the increase. The more their number increased, the more they spread education among the masses. In a way they helped the Govt. in the direction of the education of the masses. For these reasons, he said that the Govt. be

Mr. S. RANGARAMIAH in further supporting the representation observed that it was a matter for regret that the Press Regulation which was promulgated so long back as 1908 had still remained in the Statute Book even though three decades had passed by and everywhere in the country ideas of liberty, freedom of action, etc were gathering force. He agreed with Mr. Narasinga Rao that the Press Regulation was as dangerous as it was brief. Only those who came under its clutches knew the rigour of its provisions. So long as it was on the Statute Book, one hesitated to take up the lofty profession of journalism. The people of Mysore had to bow down their heads in shame before men of other countries where press enjoyed perfect freedom More than that, the foreigners themselves wondered how there could be curtailment of freedom of speech, association etc in a State spoken of as Model State. Freedom of Press was a requisite to any progressive administration. But Government seemed not to have understood that position. They thought that the press would blame them and would create dissensions and libel society. But he would say that it was a mistaken impression that they had. On the other hand, he could venture to say that the Press had not degenerted to that extent. Whatever necessity there might have been for its introduction in the past, he pointe out they did not exist to day. For these reasons, he requested that the law be repealed.

Mr. A.S. [illegible] also supporting the representation observed that there was no difference of opinion as regards the rigoous nature of the provisions of the Press law. Even the reader of the provisions was struck with dismay and horror. No reasons could be demanded for either not giving permission to publish or withdrawing the permission granted. Howsoever strongly the Press law might be criticized, it could not be considered too much. In conclusion, he said that while action could be taken against such Press indulging in libel, class-hatred etc under the provisions of ordinary law of the land, the special law was not necessary, and the sooner it was repealed the better it was for the country and the fair name of Mysore.

Mr. S.P. RAJAGOPALACHARI, in replying observed, that he was not able to make out the exact intention behind the representation. It simply stated that the Regulation be repealed. But the representations that had been brought up on previous occasions were to the effect that the present Regulation be substituted by a modified one. So, whether a modified regulation was to be brought forward or whether the present law itself should be removed from the statute book was not clear from the representation.

As regards the necessity for a press law, he said that he was sure that there could be no two opinions about it, specially in these

their heads now and then, and how situations developed could not be prognosticated. All administrations in India were of that opinion and had Press Regulations of their own.

With reference to the remarks of some members that the Regulation was as dangerous as it was brief, he said that while he agreed that the Regulation looked to be dangerous, it did not prove to be so in its actual application so far. There were no doubt clauses requiring permission being obtained before publication, withdrawing sudh permission without assigning any reasons whatsoever and that any contravention of the rules was liable to serious penalty such as deportation outside the State. But all Regulations had some such rigorous provisions. It was the spirit of the rule that mattered much and not its very letter. From 1906 to the year of grace 1937, there was not even one case of deportation under the Press Regulation. As regards publication, generally permission was given, if asked for, Even withdrawals of such permissions were not very many from the figures available. So, although prima facie the Regulation appeared to be stringent, Government had always been liberally administering the law.

Continuing he said that when a similar question had been proposed on a previous occasion, Government were of opinion that a bill on the lines of the law in British India would be prepared and introduced. A bill had accordingly been prepared.

action would be taken to place the general principles of the bill before the House.

Mr. C.N. NARASINGA RAO enquired whether the British Indian Press law required permissio being obtained first for publication.

Mr. S.P. RAJAGOPALACHARI replied that whatever that was, Govt. had no objection to introduce the British Indian Press law if the members so desired.

Mr. C.N. NARASINGA RAO said that half a loaf was better than none and so he would wish that the British Indian Press law be introduced.

Mr. S.P. RAJAGOPALACHARI continuing observed that, at the same time, he would like to point out to the Members that the practical working of the British Indian law would not prove to be simpler and less harsh than the present Press Regulation in Mysore. No doubt, according to the British Indian law, no license was necessary to publish. But the keeper of a press was required to furnish

Mr. S. RANGARAMIAH interjecting said that these deposits might be returned also if the were forfeited, as in fact ~~they~~ the forfeitu of such deposits was now being cancelled in the congress Governments.

Mr. S.P. RAJAGOPALACHARI replied that he was only speaking on the provisions of the law and not referring to the acts o the administration. So, he enquired once more whether the members really desired that the British Indian press law might be introduced in the State.

Mr. C.N. NARASINGA RAO replied that no one had said so unqualifiedly that the British Indian law should be copied in toto.

Mr. S.P. RAJAGOPALACHARI continuing pointed out that many members had remarked that the press law in Mysore had disfigured the Statute book and that so long as it was there the Govt. could not be called civilised In fact Government did not want to be charged with the epithets that they were uncivilised, barbarous, harsh, etc; and that was the reason why they were willing to introduce the British Indian law if the member so desired.

Mr. Hosakoppa KRISHNA RAO replied that in urging for the repeal of the law it was not his object that the British Indian law should be copied.

Mr. S.P. RAJAGOPALACHARI enquired whether the mover of the representation did not want even half the loaf that Mr. Narasinga Rao very much desired to have.

Mr. Hosakoppa KRISHNA RAO replied that either the present Regulation be repealed or so modified to suit the conditions of Mysore without of course the ~~rigour~~ stringent provisions of the British Indian law.

Mr. C.N. NARASINGA RAO pointed out that the British Indian law of 1930 contained certain provisions incorporated in it at a ti when the political ~~considerations~~ conditions were tense during the non-cooperation movement. Such law therefore might not altogether be suited to the conditions in Mysore. Some sections might be better than the present law ~~and~~ but some others might be still worse. Anyhow, on the question of repeal as there was no difference of opinion in the House, he requested that the Govt. be pleased to bring up a modified bill replacing the present Regulation and an opportunity be given to the House to express its opinion on the merits of the modified bill so that to the extent possible it might be liberalised.

Mr. S.P. RAJAGOPALACHARI replied that he had no objection to bring forward the bill referred to by him already.

An Act to provide for the better control of the publication of new-papers and other printed works containing public news.

Whereas it is expedient to provide for the efficient control of the publication of newspapers and other printed works containing public news; It is enacted as follows:

I. (1) This Act may be called the Mysore News Papers Act, 19

(2) It extends to the whole of Mysore.

2. In this Act, unless there is anything repugnant in the subject or context

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed,

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "Magistrate" means a District Magistrate;

(4) "newspaper" means any periodical work containing public news or comments on public news;

(5) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 5;

are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, and

(b) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; and

(c) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which if granted has been withdrawn;

(9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 16 to publish it: and

(10) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867 as in force in Mysore.

3. No newspaper or news-sheet shall without the written permission of the Government be published, and any such permission may, at any time be withdrawn by the Government.

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing-press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 5 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing-press, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representatitons, order the keeper to depoist with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

been ordered to be deposited under section 4 is used for the purpose of printing or publishing any newspaper book or other document containing any words, signs or visible representations which--

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly -

(c) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any police Officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty, the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valubale security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land revenue, tax, rate, cess or other due or amount payable to Government or to any local authority, or any rent of agricultural land or anything

anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

(i) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any police force, or to prejudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such priming-press stating or describing the words, signs or visible representations which in its opinion are of the nature described above,:

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

(ii) where security has not been deposited, declare the press to be forfeited to Government, and may also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government.

Explanation. (i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this subsection unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects shall not be deemed ~~to~~ be words of the nature described in clause (h) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled

(1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section 5 or section 7, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall deposit with the Magistrate before which declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 5 or section 7, any unforfeited balance

Power to declare further security and publications forfeited.

7. (1) If after security has been deposited under section 6, the printing-press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of such printing-press, stating or describing such words, signs or visible representations, declare -

(a) the further security so deposited, or any portion thereof, and
(b) all copies of such newpspaper, book or other document wherever found in Mysore

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867 as in force in Mysore, shall be deemed to be annulled.

8. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books, Act, 1867 as in force in Mysore may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing

for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 9 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than three thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not, being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

9. (1) If any newspaper in respect of which any security to be deposited under section 8 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 5 sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations,-

(a) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(b) where the security has not been deposited, [illegible]

annual the declaration made by the publisher of such newspaper under section 5 of the Press and Reigstration of Books Act, 1867, as in force in Mysore, and may also declare all copies of such newspaper, wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

10. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 9 or section 11, any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 9 or section 11, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-sect

11. (1) If, after security has been deposited under section 10, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in Section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing

describing such words, signs or visible representations, declare,-

(a) the further security so deposited or any portion thereof, and

(b) all copies of such newspaper wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section(1) the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be ann lled and no further declaration in respect of such newspaper shall be made save with the permission of th Government.

12. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without mak a deposit under section 4 or section 6. as required by the Government or the Magistrate as the case may be, shall on conviction by a Magistrate be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

2) Whoever publishes any newspaper without making a deposit under section 8 of section 10, as required by the Government or the Magistrate as the case may be, or published such newspaper knowing that such security has not been deposited or publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn, shall on conviction by a Magistrate be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

13. (1) Where a deposit is required from the keeper of a printing press under section 4 such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 6, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

3) Where a deposit is required from the publishing of a newspaper under section 8 and the deposit is not made within the time allowed, the declaration made by the publisher under section ~~of~~ 5 of the Press and Registration of Books Act 1867. as in force in Mysore shall be deemed to be annulled.

14. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under Section 8 of the Press and Registration of Books Act, 1867, as in force in Mysore, he may apply to the Magistrate within whose jurisdiction ~~xxx~~ such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

15. Where any printing press is or any copies of any newspaper, book or other document are declared forfeited to Government under Section 5, section 7, section 9, section 11, or section 13, the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of sub-Inspector, to seize and detain any property ordered to be forfeited and

forfeited and to enter upon and search for such property in any premises

(i) where any such property may be or may be reasonably suspected to be, or.

ii) Where any copy of such newspaper, book or other document is kept for sale, distribution of publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and news-papers.

Authorisation of persons to publish news-papers

16. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised:

(3) The Magistrate may at any time revoke an order made by him under sub-section (1

Power to seize and destroy unauthorised news-sheets and news.

17. (1) Any Police Officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, whereever found.

(2) Any District Magistrate, sub-Divisional Magistrate of the Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised news-papers may be or may be reasonably suspected to be, and such police Officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised news-papers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-Divisonal Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistra-

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in theopinion of such Magistrate or Court, any of such documents are not unauthorised news sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in Sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

18. (1) Where a District Magistrate or Sub-Divisional Magistrate has reason to believe that an unauthorised news-sheets or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any Police Officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such Police Officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized;

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be

o be forfeited to the Government. If after such inquiry he Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523. 524 and 525 of the code of Criminal Procedure 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 17.

9. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspapers, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

0. Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notification in the official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search ~~upon~~ for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

1. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

:2. Any officer in charge of a post office or autho-
'ised by the Post-master General in this behalf may
letain any article other than a letter or parcel in
:ourse of transmission by post which he suspects to
:ontain:

(a) any newspaper, book or other document containing words, signs or visible representations of the nature described in section 5, sub-section (1), or

(b) any unauthorised news-sheet or unauthorised newspaper and shall, deliver all such articles to such officers as the Government may appoint in this behalf to be disposed of in such manner as the Government may direct.

(1) The keeper of a printing-press who has been lered to deposit security under sub-section (3) of :tion 4 or the publisher of a newspaper who has been :ered to deposit security under sub-section (3) of tion 8, or any person having an interest in any proty in respect of which an order of forfeiture has been e under section 5, section 7, section 9, section 11 section 20 may, within two months from the date of h order, apply to the High Court to set aside such er, and the High Court, shall decide if the newspaper k or other document in respect of which the order made did or did not contain any words, signs or ible representations of the nature described in secn 5, sub-section (1).

(2) The keeper of a printing-press in respect of which an order of forfeiture has been made under sub-section (2) of section 13 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

23. Every such application shall be heard and determined by a special Bench of the High Court consisting of not less than two judge

24.(1) If it appears to the Special Bench on an application under sub-section (1) of section 22 that the words, signs or visible representations contained in the ~~xxxxxx~~ newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 5, sub-section (1), the Special Bench shall set aside the order

(2) If it appears to the Special Bench on an application under sub-section (2) of section 22 that the printing-press was not used in contravention of sub-section (1) of section 13, it shall set aside the order of forfei

(3) Where there is a difference of opinion amon the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

25. On the hearing of an application under sub-section (1) of section 22 with reference to any newspaper, any copy of such news paper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspapers, in respect of which the order was made.

26. The High Court shall, as soon as conveniently ma be, frame rules to regulate the procedure in the case such applications, the amount of the costs thereof an the execution of orders passed thereon, and until suc rules are framed the practice of such Court in proceedings other than suits and appeals shall apply, so far

far as may be pradticable, to such applications.

27. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904;

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy ~~of~~ thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ and Registration of books Act, 1867 as in force in Mysore and where the notice directed to the publisher of a newspaper, to some con spicuous part of the premises where the publication o such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

28. Every warrant issued under this Act, shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904.

29. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any court, except the High Court on application under section 3, and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

50. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act.

51. All declarations required to be made under Section 4, Section 5, and Section 8 of the Press and Registration of Books Act of 1867 as in force in Mysore shall be made before a District Magistrate.

52. The Mysore Newspapers Act, III of 1908 is hereby

No. 3880—L. C., dated Bangalore, 28th May 1938.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the better control of the publication of newspapers and other printed works containing public news, is published for general information with the statement of objects and reasons.

By order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

WHEREAS it is expedient to provide for the efficient control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore News-ers Act, 193 .

(2) It extends to the whole of Mysore.

2. In this Act, unless there is anything repugnant ne subject or context,—

(1) "book" includes every volume, part or division volume, pamphlet and leaflet, in any language, and y sheet of music, map, chart or plan separately printed thographed;

(2) "document" includes also any painting, ving or photograph or other visible representation;

(3) "Magistrate" means a District Magistrate;

(4) "newspaper" means any periodical work aining public news or comments on public news;

(5) "news-sheet" means any document other than ewspaper containing public news or comments on ic news or any matter described in sub-section (1) of

(6) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(8) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; and

(*c*) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which, if granted, has been withdrawn

(9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 16 to publish it; and

(10) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.

3. No newspaper shall, without the written permission of the Government be published, and any such permission may, at any time be withdrawn by the Government.

Control of Printing Presses and Newspapers.

4. (1) Any person keeping a printing press who required to make a declaration under section 4 of t Press and Registration of Books Act, 1867, as in force Mysore, may be required by the Magistrate before who the declaration is made, for reasons to be recorded writing, to deposit with the Magistrate within ten da from the day on which the declaration is made, securi to such an amount, not being more than one thousa rupees, as the Magistrate may in each case think fit, require, in money or the equivalent thereof in [illegible] of the Government of Mysore as the person ma deposit may choose:

Provided that if a deposit has been required under b section (3) from any previous keeper of the printing ess, the security which may be required under this sub-ction may amount to three thousand rupees.

(2) Where security required under sub-section (1) is been deposited in respect of any printing press, and r a period of three months from the date of the declara-on mentioned in sub-section (1) no order is made by the overnment under section 5 in respect of such press, the curity shall, on application by the keeper of the press, refunded.

(3) Whenever it appears to the Government that y printing press, in respect of which security under the ovisions of this Act has not been required, or having en required has been refunded under sub-section (2) is ed for the purpose of printing or publishing any news-per, book or other document containing any words, gns or visible representations of the nature described in ction 5, sub-section (1), the Government may, by notice writing to the keeper of the press stating or describing ch words, signs or visible representations, order the eper to deposit with the Magistrate within whose risdiction the press is situated security to such an ount, not being less than five hundred or more than ree thousand rupees as the Government may think fit require, in money or the equivalent thereof in securities the Government of Mysore as the person making the posit may choose.

(4) Such notice shall appoint a date, not being oner than the tenth day after the date of the issue of e notice, on or before which the deposit shall be made.

5.(1) Whenever it appears to the Government that any inting press in respect of which any security has been dered to be deposited under section 4 is used for the rpose of printing or publishing any newspaper, book or ner document containing any words, signs or visible presentations which—

(*a*) incite to or encourage, or tend to incite to or to courage, the commission of any offence of murder or y cognizable offence involving violence, or

(*b*) directly or indirectly express approval or miration of any such offence, or of any person, real or

(*c*) to seduce any officer, sowar, driver or foll in the Mysore Military Forces or any police officer his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Ma the King Emperor of India, or His Highness Maharaja, or the Government established by law in Br India and in the territories of His Highness the Maha or the administration of justice in Mysore or any cla section of His Majesty the King Emperor of In subjects in British India or His Highness the Mahar subjects in Mysore, or to excite disaffection tow His Majesty the King Emperor of India or His Higl the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoy to him and thereby induce him to deliver to any pe any property or valuable security or to do any act w he is not legally bound to do, or to omit to do any which he is legally entitled to do, or

(*f*) to encourage or incite any person to inte with the administration of the law or with the mainten of law and order, or to commit any offence, or to refu defer payment of any land revenue, tax, rate, cess or c due or amount payable to Government, or to any authority, or any rent of agricultural land or anyt recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant local authority to do any act or to forbear or delay t any act connected with the exercise of his public func or to resign his office, or

(*h*) to promote feelings of enmity or hatred bet different classes of His Majesty the King Emperc India's or His Highness the Maharaja's subjects, or

(*i*) to prejudice the recruiting of persons to s in any of the Mysore Military Forces, or in any P Force, or to prejudice the training, disciplin administration of any such force,

the Government may, by notice in writing to keeper of such printing press stating or describing words, signs or visible representations which in its opi are of the nature described above:

(i) where security has been deposited, declare security, or any portion thereof, to be forfeited to Gov ment, or

(ii) where security has not been deposit the press to be forfeited to Government, and

declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government.

Explanation.—(i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

6. (1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section 5 or section 7, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 5 or section 7, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and publications forfeited.

7. (1) If after security has been deposited under section 6, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare --

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of security by publisher of newspaper

8. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose :

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 9 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which

security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than three thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security forfeited in certain cases.

9. (1) If any newspaper in respect of which any security to be deposited under section 8 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations.—

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(*b*) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, and may also declare all copies of such newspaper, wherever found in Mysore, to be forfeited to Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

10. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 9 or section 11, any person making a fresh declaration under section 5 of the Press and Registration

of Books Act, 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 9 or section 11, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

11. (1) If, after security has been deposited under section 10, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

12. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 4 or section 6 as required by the Government or the Magistrate as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section 8 or section 10, as required by the Government or the Magistrate as the case may be,

or publishes such newspaper knowing that such security has not been deposited ~~or publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn~~ shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

13. (1) Where a deposit is required from the keeper of a printing press under section 4 such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 6, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 8 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore shall be deemed to be annulled.

14. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

15. Where any printing press is or any copies of any newspapers, book or other document are declared forfeited to Government under section 5, section 7, section 9, section 11, or section 13, the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of a Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises.

(i) Where any such property may be or may be reasonably suspected to be; or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and newspapers.

16. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

17. (1) Any Police Officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

18. (1) Where a District Magistrate or Sub-Divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to the Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 17.

19. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspaper shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

20. Where any newspaper, book or other documen herever made appears to the Government to contai ny words, signs or visible representations of the natur escribed in section 5, sub-section (1), the Governmen ay, by notification in the Official Gazette, stating th rounds of its opinion, declare every copy of the issue of th ewspaper and every copy of such book or other documen be forfeited to the Government and thereupon an olice officer may seize the same wherever found in Mysor nd any Magistrate may by warrant authorise any polic ficer not below the rank of Sub-Inspector to enter upo id search for the same in any premises where any cop such issue or any such book or other document may b asonably suspected to be.

21. No unauthorised news-sheet or unauthorise ewspaper shall be transmitted by post.

22. (1) The keeper of a printing press who has been dered to deposit security under sub-section (3) of section or the publisher of a newspaper who has been ordered to eposit security under sub-section (3) of section 8, or any erson having an interest in any property in respect of hich an order of forfeiture has been made under section 5, ction 7, section 11 or section 20 may, within two onths from the date of such order, apply to the High ourt to set aside such order, and the High Court; shall ecide if the newspaper, book or other document in spect of which the order was made did or did not contain ny words, signs or visible representation of the nature escribed in section 5, sub-section (1).

(2) The keeper of a printing press in respect of hich an order of forfeiture has been made under sub- ction (2) of section 13 on the ground that it has been sed in contravention of sub-section (1) of that section ay apply to the High Court to set aside the order on e ground that the press was not so used.

23. Every such application shall be heard and deter- ined by a Special Bench of the High Court consisting not less than two Judges.

24. (1) If it appears to the Special Bench on an plication under sub-section (1) of section 22 that the ords, signs or visible representations contained in the

newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 5, sub-section (1), the Special Bench shall set aside the order.

(2) If it appears to the Special Bench on an application under sub-section (2) of section 22 that the printing-press was not used in contravention of sub-section (1) of section 13, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

25. On the hearing of an application under sub-section (1) of section 22 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspapers, in respect of which the order was made.

26. The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

27. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of

such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

28. Every warrant issued under this Act, shall so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904.

29. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 22 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

30. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act.

31. All declarations required to be made under section 4, section 5 and section 8 of the Press and Registration of Books Act of 1867 as in force in Mysore shall be made before a District Magistrate.

32. The Mysore Newspapers Act III of 1908 is hereby repealed.

Statement of Objects and Reasons

The repeal of the Newspaper Act, 1908, has been several times urged in the Representative Assembly and the Legislative Council. A request was made in the Representative Assembly at its last Dasara Session that the present Act may be repealed and if necessary, one more or less on the lines of the British Indian Act placed on the Statute Book. Government expressed willingness to replace the present Act by an Act on nearly the same lines as the law in force in British India and this Bill has been accordingly prepared. The main principles of the Bill are as follows :—

1. The permission of Government must be obtained before the publication of a newspaper as heretofore.

2. The Magistrate before whom declaration is made may demand security either from the keeper of the

ress or from the publisher of the newspaper under certain rcumstances.

3. The Government may, if it appears to them iat the press is used for printing or publishing objeconable matter such as incitement to the commission of n offence, seduction of military, sedition, etc., declare the ecurity forfeited or, where no security is deposited, declare ie press to be forfeited and the declaration made under ie Press and Registration of Books Act, shall be nnulled.

4. Where the security has been forfeited, any erson making a fresh declaration in respect of such press r newspaper shall deposit a security of a larger amount.

5. If the press or the newspaper is again used for rinting or publishing objectionable matter, the Governnent may forfeit the further security and the fresh declaation shall be annulled. No further declaration in respect f such newspaper shall be made save with the permission f the Government.

6. Failure to deposit security which is ordered is ubject to the same penalty as the one to which the person vould be liable for failure to make a declaration under the 'ress and Registration of Books Act.

7. Where a press or copies of a newspaper are eclared forfeited, a Magistrate may authorise the Police o search for and seize them.

8. Unauthorised news-sheets or newspapers may e seized or destroyed.

9. Selling, publishing or keeping for sale or ublication of any unauthorised news-sheet or newspaper s made punishable.

10. Any newspaper, book or document which ppears to Government to contain objectionable matter nay be declared to be forfeited.

11. Provision is made for application to the High Court against the orders of Government demanding ecurity either from the keeper of the press, or from the ublisher of a newspaper, or from an order of Government orfeiting the press or security deposited by such persons.

The bill closely follows the Criminal Law Amendment Act of 1935. The penalty of deportation fixed in certain ases under the existing Act is removed and imprisonment s substituted for certain offences.

The leading article on "The Nyasaland" in the Federated India is very [illegible] for proving [illegible] in sympathy with the effort of the [illegible] to bring the Nyasa Bill into [illegible] the Bill in British India.

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Mr. Subhas Chandra Bose on Andhra Province

It is surprising that the Congress President should have lent himself to discursive and untenable statements in connection with the creation of an Andhra province. He has declared that if the Congress came into supreme and independent power, the Andhra province may become a reality without any agitation. He is also inclined to assume that by that time the Andhras themselves might give up the idea of requiring a separate province for themselves. The last assumption is not worth examining any more than a statement from a British imperialist that if the British should follow the policy of "firm rule and no d—d nonsense" for a few years to come steadily, Indians may think better of their demand for Swaraj and give up the dangerous notion of Swaraj.

This line of thinking shows that Mr. Bose has still to acquaint himself with the rudiments of the agitation for a separate Andhra province. As regards the Congress coming into supreme power, Mr. Bose underrates the power of the Congress even as it is this moment. Only, the Congress has not been sufficiently earnest about this and it will not become earnest without a severe and strenuous agitation bordering upon a revolt from within the Congress. If the Congress does all that is expected of it in this connection and nevertheless fails to have the formation of the new province effected, there will be time enough for the agitators to wait the advent of supreme power for the Congress. Who knows whether the Congress may not, on the other hand, lose the power that it has now, and a tightened form of bureaucratic government may completely displace the power of the Congress? If the federal scheme is rejected, if the Congress should give up office and if the Governors should assume responsibility, suspending the Constitution, where will the Congress be for an indefinite time to come?

It is one thing to say that no deputation should be sent to England by the Congress or consisting of leading Congressmen, and it is quite a different thing to say that the agitation for an Andhra province should be regarded as an agitation the fruition of which may be permitted to lie over for "future Governmental action". It is not a question to be consigned to good humoured indifference on the part of the Congress, although the Congress may not care to explore the ways of successful accomplishment of its own resolution. If tomorrow the members of the Assembly from the Andhra districts including the Congress members, should boycott the Assembly, the Secretary of State and the entire Cabinet will be bound to leave the matter to the decision of the Madras Cabinet. This may be an act of revolt on the part of Congressmen, but revolt is a duty at times, and a duty not exclusively reserved for orthodox Congressmen of the right wing alone. Revolt is the only recourse open to people once an "agitation" is neglected as a matter of deliberate policy. Andhra opinion must take serious note of the attitude of the Congress President and have it out with the Madras Cabinet once for all. In fact it seems to us that there is no other way of strengthening the hands of the Congress in this respect. We earnestly recommend to the Andhra leaders the adoption of a policy of revolt from within—instead of running a special train containing an exhibition of Andhra crafts and arts. Men must be purposeful and mean what they say and ought not to refrain from the most effective methods of accomplishing farreaching changes affecting their prosperity and individuality.

The Mysore Press Act

We welcome the announcement that the present Mysore Press Act will be brought into line with the Press Act in British India. In some respects the former has been regarded as more stringent than the latter—a view which we are unable to endorse. Essentially both the Acts leave the press as an institution at the mercy of the executive and it cannot be pretended that theoretically at any rate there is a free press anywhere in India—in British or Indian India. There is as yet no indication that even Congress Governments in British India are keen on repealing the Press Act and restoring to the country the privilege of a free press. On the other hand the trend of Congress opinion seems to be to

iffen the control over the press in view of cialistic and communalistic propaganda. ongress Governments have begun to regard emselves in the light of dictatorships id freedom of the press is not a favoured eed with dictators who are not only self-ifficient but all sufficient in their view. In ich a changed atmosphere it is certainly a atter for congratulation that the Govern-ent of an Indian state is prepared to b breast of "advanced" British India where rovincial autonomy prevails in all the rovinces

It is worth remarking, however, that even e severest Press Act may be allowed to main a dead letter, if the Government is nducted on broad and tolerant lines and the ess is in the hands of journalists with a nse of responsibility and fidelity to the best terests of the public. A bad and unres-ained press necessitates interference on the rt of the Government and the liberty of the ess becomes, in course of time, as a nsequence of constant interference, a lost ssession. In spite of this, however, we have ways been against any measure that vests the executive the control over the press of e country. The judiciary should be the ly body to deal with the press at the stance of a private party or of the executive overnment. In fact, some thirty years ago dia was far better off in regard to the edom of the press than it is to-day. uring this period India has gone back in

Turning to the intended modification i the Mysore Act, the main changes may b summed up as follows :—

1. The permission of Government must b obtained before the publication of a newspape as heretofore.

2. The Magistrate before whom declaration i made may demand security either from th keeper of the press or from the publisher of th newspaper under certain circumstances.

3. The Government may, if it appears to ther hat the press is used for printing or publishin objectionable matter, such as, incitement to th commission of an offence, seduction of militar edition, etc., declare the security forfeited o where no security is deposited, declare th press to be forfeited and the declaration mad under the Press and Registration of Books Ac shall be annulle

Where the security has been forfeited an person making a fresh declaration in respect uch press or newspaper shall deposit security of a larger amoun

If the press or the newspaper is again use or printing or publishing objectionable matte he Government may forfeit the furth ecurity and the fresh declaration shall b nnulled. No further declaration in respect uch newspaper shall be made save with th permission of the Government

Failure to deposit security which is ordere s subject to the same penalty as the one t which the person would be liable for failure t make a declaration under the Press and

SIMLA LETTER

(From Our Special Correspondent.)

Lord Linlithgow who leaves Simla on June 23 for a four months' holiday is busy disposing of pending important matters with a view to leaving a clean state for his successor. There are a number of questions of provincial importance which will require his close and considered attention. One is the Madras Estates Land Act (Orissa Amendment Bill) recently passed by the Orissa Assembly. This was referred to the Viceroy and is now awaiting his assent. Sir John Hubback's visit to Simla is mainly in this connection. The Orissa Premier has already stated that as the measure is in the nature of relief to peasants, the ministry alone is competent to decide what is good for the peasants or not and that interference by the Governor-General was not called for. A report has gained currency that Mr. Biswanath Das might himself be invited to Simla to put forward the Ministers' point of view but this is unlikely.

Important Matters

It is understood that Sir John Hubback will proceed on leave shortly after his return from Simla. The question of his successor has been under consideration here. Sir Jagdish Prasad's name has been mentioned. It is being said that since Kunwar Sir Jagdish Prasad does not belong to the I.C.S. any more, he may not be appointed. In any case, there is no chance hereafter for any I.C.S. officer from Orissa being appointed. Another matter of equal importance which will shortly come up for consideration by the Viceroy is the Bengal Tenancy Act passed by the Legislature of that Province. The Bill has not left the Bengal Secretariat. An anomalous position is likely in case it does not reach Simla at an early date. Lord Brabourne, the Governor, is to decide whether he should reserve the Act for the assent of His Excellency the Governor-General. On June 25, Lord Brabourne himself will be His Excellency the Governor-General. The position will be interesting, intriguing and awkward. It is probable that the decision will be taken only after Lord Linlithgow's return from London. The suggestion of a deputation is discounted in authoritative quarters. Lord Linlithgow will not receive any such deputation.

What i[illegible] at the Bombay Dinner in London? Why should he take notice of speculations and feel himself called upon to make an unfortunate statement which is sure to exasperate the Congress leaders still further? I gather that the statements made in the Press that Mahatma Gandhi and other Congress leaders will be invited to London for a miniature Round Table Conference coupled with Mr. Bhulabhai's speeches in London has caused a flutter in the India Office dovecotes. The Conservative majority in the House of Commons will not like such suggestions being made abroad. They will not tolerate a radical amendment of the Constitution, so long as they can help it. The Secretary of State has to keep the Die-hards in his camp in good humour. Even the "Statesman" in its editorial today envisages the amendment of the Government of India Act in minor particulars.

What is Obvious

After all, the man in the street is entitled to ask as to why should the Viceroy proceed on leave two years after his arrival when generally the "home" leave has been invariably taken in the third year of their term of office. Why should suddenly five Governors be in London during the summer months? Why should the Reforms Commissioner, Sir Hawthorne Lewis, suddenly decide to be in England, while Lord Linlithgow is there? Again, why should the Viceroy take his Private Secretary to England—if the leave is purely for personal reasons? The fact is that the working of the Act has disclosed a number of lacunae in the Sections, difficulties have been experienced in its working and all these, require an early amendment of the Act. This has to be taken in hand sooner or later, probably before active steps are taken to usher Federation.

Instrument of Accession

There is the revised draft of the Instrument of Accession. Paramountcy's draftsmen have come and gone, the Special Representatives of the Crown have toured round the States. A mass of materials and details and documents have been examined and yet the revised Draft does not see the light of day. The Princes have been anxiously waiting for it for over twelve months, many a conference of their Ministers had to be postponed because the Draft was not available. I understand that the terms of the Draft will also be discussed in London while the Viceroy is there and it will not be sent out to the Princes till after the Viceroy's return. In fact the Bombay meeting of the States' ministers in June will have no work before them. The only subject of interest for them are the statements by Lord Zetland, Earl Winterton and others politely hinting to the Princely Order to establish gressive governments in their States, to keep march the times.

Sir Mohd. Zafrullah accompanied by his Secret Mr. N. R. Pillai, has left for London by air. The ob of the visit is to conclude a trade agreement with United Kingdom based on the prolonged discuss which have been in progress for over two years bu not seem to end. The fact that the Simla textile ta broke down has not deterred the Government of In from pursuing what has so far proved to be a wild go chase. It appears that the Government of India decided to strike a mean between the two extreme vi expressed at the Lancashire—India Conferences and arrive at an agreement. The Commerce Member will in London for about seven weeks; and since much of ground has already been covered, there is little prosp of delay this time. Mr. Pillai will return to India by J 20th and Sir Mohd. Zafrullah will follow a few days la to face the music in the Central Legislative Assem first as the Leader of the House and secondly on the Indo-British Pact. Simla 2nd June 2

BERLIN LETTER

(From Our Special Correspondent.)

India and the European Tension

European events have a meaning and a value for us ıdians only when we make use of the opportunities they fer, and of course that is opportunism. Opportunism lways makes practical application and use of opportuities when they present themselves. The conflict between byssinia and Italy, which caused the English and rench to revive the moribund League of Nations, was ıe chance for Egypt to strike while the iron was hot nd to get something for herself as a result of the tuation. Our opportunists have not taken full advanıge of the chances that have presented themselves—on ıe contrary, the English propaganda machine has ngendered such an atmosphere that our whole politics nd especially the voice of the press works involuntarily or Great Britain. Chamberlain is a clever man; his ame is to alleviate the tension throughout Europe, iven time, and then to have a free hand to deal with ndia, Palestine, and the North-west Frontier. One need nly think of the examples of the Far East, and of the onflicts between Italy and Abyssinia — and from that he English have learned much. Chamberlain offered he olive branch to Rome, with the result that he conluded a treaty with Italy. Chamberlain tries at the ame time to work in close cooperation with France, and specially on a military basis, so that the small powers, eterring particularly to Czechoslovakia, can be protected. t is always the same with English policy, which demands ı "balance of power" that allows no country or combination of countries to become any stronger than Great Britain herself, because she sules a quarter of the world, added to which is the whole ocean. Even to-day. belonging to Great Britain is the whole of Australia, a hird of Africa, a fourth of America, a sixth of Asia and a raction of Europe. Great Britain is determined to hold his Empire, with undiminished power, and is especially counting on our help. That is the real reason why Great Britain will tolerate no adversary in Europe, because if Great Britain had any opponents this could be a serious natter for her. That is also the true ground why there is his attempt to make propaganda against Germany. Burma has been separated from India. India will certainly one day be free. Burma cannot continue independently. If Burma attempts union with India and begs for military help from us, Indians in case of a serious crisis, we would go to her rescue with rejoicing. This is a parallel case to that of the old Ostmark province. Austria has always been German, and now she belongs completely to Germany once again. It could be seen from the plebiscite that the Austrian population supported this union with even greater enthusiasm than did Germany herself. This union has been recognized by all the Great Powers, among them "our" Great Britain who made the biggest outcry over the German action, and poisoned the whole press in this connection. Adolf Hitler is now in Italy for a short time. The enthusiasm with which this man is received there, is a proof that the two movements are movements of the people. In Germany, the radio is reporting the whole series of events so that the German people will be informed of all that is going on there. Through the marvellous technical development of the radio, it can truthfully be said, one can be in touch with the whole world. And yet the radio is so underdeveloped in India that even the "Proceedings of the Haripura Congress Session" were not broadcast. It is my constant endeavour to call attention to this state of affairs: India must not continue passively enduring this isolation. Our population could be kept abreast through the radio; and we have the technical facilities for doing this.

BOOK REVIEWS

TWO WORLDS. By Lester Cohen. Victor Gollancz, Ltd., London. Sh. 10/6 net.

The author being an American Jew the "Two Worlds" may be taken as the old world and the new; but it is not so. He is talking of the two worlds with radically different ideology, the capitalistic world and the communist world. He visits many countries of Europe and Asia and has a charming way of narrating his experiences and his impressions about men and things he saw.

Paris the "capital of the world" does not impress him much. The famous Notre-Dame is "hideously beautiful,—a palish heart of a building in troubled slumber." In the Museum of the Luxembourg "where all that is fresh and vital in art is supposed to be" he found only mediocrities, saccharine, pallid, decayed.

'After you have lived in the United States no building in England or France is tall to you' and hence they (his wife was with him) were not very much impressed even by London. He was struck by the contrast between splendour and poverty in London. 'You are in a palace and right outside on your grounds are the homeless people, stirring around, dumb and damp and cold.' It is quite characteristic of the Britisher to look with suspicion upon the tourist and he had great difficulties in getting his visa to see Palestine and India.

The book is an enconium upon the New Russia that the Bolsheviks are building up. Mr. Cohen sees the 'Kitchen Factories' where workers' food is prepared so that the trouble of preparing food at home is minimised; The Marriage Bureau, The Forest Schools where physically defective children are taken on hand and have their defects attended to; The Writers' cooperative where authors lead a comfortable life; The Museum of the Revolution where the different stages in the history of the peasant, what he was in pre-war days, what troubles he had to pass through and what he is now, are all shown, and above all the crime colony of Lubertze where mechanical and human engineering was in progress. He comes across persons who do not love the new regime, his own kinsman being one of them; but he is enthusiastically in favour of the new life that was surging among the people stirred on by science and based on scientific observation and study.

His description of Istanbul, Athens, Palestine, Egypt with her pest of night guides and Port Said are very interesting.

About 35 pages are devoted to Ceylon. At Colombo 'missies' are 'veddy expensive' thirty rupees now, whereas formerly veddy inexpensive, rupee, two rupees, rarely three'!'

About the same space is devoted to Madras and Mysore. His observation on our temples and restaurants (pp. 328 and 329) in the City of Madras are not ver flattering. They were treated as state guests in Mysor and had a good opportunity of seeing Sivasamudran Seringapatam (with its bouncing arch now, alas! n more) Mysore with its famous zoo and Krishnaraj Sagara (not Saraga as printed on p. 344).

Off he goes to Singapore and thence to Hongkong Shanghai and Tokio and back to America.

Americans have got a flashy way of putting thing and Mr. Cohen is a professional author. No wonder h makes his observations in an arresting manner an expresses his general view of things and men in a tellin way. There is no mistaking his enthusiasm for the ne order of things in Russia; but he is not a blind admire He is clear sighted enough to see that the machinery i often worked by incompetent hands and hence creaks but we are left with the general impression that given chance the ideals behind the experiment now going o in Russia will produce a civilisation which can stan comparison with the capitalistic civilisation now in forc in the rest of the world. (23-1-37.) S.K.Y

* * *

LISTEN FOR A LONESOME DRUM. By Ca Carmer. Cassell & Co, Ltd., London. Sh. 10/6 net.

The land of the almighty dollar has got a reputatio for standardisation and mass-production. Its automobile and sky-scrapers are all constructed according to standardised pattern with very little variation. Thi craze is supposed to have infected their ways of dealin with men also; whatever be the nationality of a immigrant, Italian, Dutch, Pole, Russian, French or Iris his angularities are rubbed off and as a result of th efficient process of Americanisation he becomes a typica Yankee very soon. This obliteration of individuality i perhaps only superficial: because the author of the boo under review has produced a book dealing with people t be found in the New York State which shows that th craze for individuality has almost run amock. Ever chapter deals with some interesting specimen of humanit and the readers' interest never flags. The authors' ow nephew who drinks away without being affected mor bottles of wine than his elders thought were good fo him and who is pronounced as being destined by hi father to become a "gentleman" as his school progres report does not inspire hopes of his becoming a 'scholar is the first of a series of interesting types.

The remnants of the religious sects of the previous century still surviving are a very interesting lot. Shakers whose motto was 'Hands to work and Hearts to God', followers of Mother Ann, Millerites who honestly believed that the world would come to an end on a particular date and prepared themselves for it, the members of the Oneida community who produced 'planned children' and cried down 'special love' among the members, the followers of the Friend who died

wice, the Latter-day Saints (or Mormons) and Harris who was able to exercise such a powerful influence over Mr. Oliphant an English aristocrat and Mrs. Oliphant, his mother, all these represent various types that form a very promising field of study to the psychologist and the anthropologist.

The section on Red Indian is very interesting. Jessie Cornplanter the Indian invites the author to the Reserve, narrates to him beautiful stories of their cosmology, gives the author an opportunity to see their famous dances and above all tells him why they have not turned Christians.

The account of the Chautauqua academy and the efforts made for the diffusion of culture is very amusing; equally so the story of a geological find (the body of a giant) and its plaster-of-paris counterfeit.

The account of the cockfight is very realistic; so is the rough life in the snow-covered timber forest where logs are filled. The interesting stories narrated to the author are faithfully reproduced and they are like windows giving us an insight into the mentality of the narrators.

Much useful information on men and thing is conveyed to the reader in a most attractive way and

RELATIVE ECONOMY OF WOOD, STEEL AN CONCRETE STRUCTURES. By S. Kamesam, M.I (Ind), Officer-in-charge, Timber Development and Wo Preservation Sections, Forest Research Institute, Deh Dun.

The author points out that in general, for the sa weight and for the same form of cross section irrespect of the species, wood is stronger (assuming a suital factor of safety) than steel when considered as a be or as a column. The strengths of wood and steel un comparable conditions are discussed and the ab conclusion was drawn on the basis of such a discussion

TREATED TIMBER FOR EARTHQUAKE RES ANT STRUCTURES. By S. Kamesam, M.I.E. (I Officer-in-charge, Timber Development and Wood Pres vation Sections, Forest Research Institute, Dehra Dun.

It has been a matter of observation and experie that "rigid forms of construction are not suitable earthquake regions and that flexible forms of structu alone have any chance of surviving major earthquak In the opinion of the author "wood buildings afford same extent of accomodation and comfort, are cheaper build, cheaper to maintain and cheaper to insure agai

THE PREPARATION OF ALUMINA AND SULPHUR DIOXIDE FROM BAUXITE-GYPSUM MIXTURES. By Dr. S. Dubey, M.Sc., Ph. D. (London) D.I.C, M. B. Rane, M.Sc. and M. Kanakaratnam, M.Sc. (No. 6, of the Bulletins of Indian Industrial Research). Published by the Manager of Publications, Dehli 1937.

The authors heated a mixture of calcium surphate in the form of Gypsum and alumina as Bauxite in order to ascertain (1) whether the former could successfully replace sodium sulphate in Pineakoffs process of extraction of alumina from Bauxite, (2) whether calcium aluminate could be formed in this way and (3) whether sulphur dioxide could be obtained by heating the mixture to a not abnormally high temperature. The expectations of the authors were amply fulfilled. The subject matter of the paper is divided as is usual with papers of this type, into three sections: historical review, experiment work and discussion and inferences. (10-4-37.) K.S.

REPORT OF THE KODAIKANAL OBSERVATORY FOR THE YEAR 1936.

The Director's report deals with the observations in the Kodai observatory in connection with the omical and seismological work during 1936.

(3-7-37.) K.S.

* * * *

OME STATISTICAL ASPECTS OF MARRIAGE DIVORCE. By I. M. Rubinow, M. D; Ph. D. narti, Ohio ; Pamphlet series No. 3. The American my of Political and Social Science, Philadelphia.

his pamphlet is a statistical enquiry relating to the n of Marriage and Divorce in the United States 50 years (1867-1916) and is based on the reports hed by the U. S. Government. The Marriage rate, e Divorce rate are studied in the period under sion. The one is compared to the other and conclu- rawn.

(23-1-37.) K.S.

* * *

TEXT BOOK ON ASTRONOMY (GENERAL AND EMATICAL). By H. Subramani Aiyar, M.A., Ph.D. on), Professor of Mathematics, H. H. The Maharaja's e of Science and Government Astronomer, H.H. The aja's Observatory, Trivandrum. Chitra Publishing , Trivandrum 1936.

he author claims no originality in writing this book ntends it to be used as a text book by students ing for the B.A., B.Sc, B.A. (Hons) and M.A. degree inations of Indian Universities. It admirably the purpose for which it is intended. It brings er within its compass all that is required to be d by these students in special Astronomy, both cal and descriptive. The descriptive part is very

(4-9-36.) K.S.

BOOK NEWS

THE CRUMBLING OF EMPIRE. By M. J Price 15s.

Dr. Maurice J. Bonn, author of THE AME EXPERIMENT has now turned his attention colonial problem and in his new book examin claims of the so-called Have-not powers, Japan and Germany to colonial equality. He stress psychological aspect of the question and in particu bitter resentment of Germany set up by the Tr Versailles. But in an age in which Empire-mak giving way to empire-breaking, the most he thin the Have-not powers could expect would be to assis process of liquidation.

* *

A CENTURY OF CITY GOVERNMENT. By I Shena Simon. Price 12s. 6d.

Manchester is of all cities pre-eminently the crea of the industrial revolution but her Government l behind her industry and it was not till 1838 tha gained a Charter under the Municipal Corporatio 1938 marks her Centenary year, and Lady Simon of Sir Ernest Simon) has compiled for the occasi comprehensive book tracing the way in which the Government services have developed. She des separately the social services, the public utilities, and finance. Her book is the first survey of a ce of municipal development from the point of of one representative authority and that a large indu city. Lady Simon was a member of the Manc City Council from 1924-1933. She is also a meml the Consultative Committee of the Board of Educ and of the Council of the University of Manchester.

* * * *

MODERN MAN AND RELIGION. By T. G. Mas Price 7s. 6d.

Here Masaryk analyses the causes of the suic and scepticism of modern man and summarizes the tenets of recent philosophical systems, including th Hume, Kant, Comte, Spencer and Smetana. His t is the necessity of religion for modern man if soci not to fall into chaos, and he shows how each o philosophers cited, while professing atheism or ag cism, was forced to fall back upon more or less rel conceptions.

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THE PARASAKTHI ASHRAM

His Highness the Maharaja of Mysore

This was the cryptic reply which His Highness Sir Krishnarajendra Wadeyar Bahadur G.C.I.E., G.B.E., araja of Mysore, gave in the course of a speech ered some years ago His Highness' beneficent and ious rule for the last six and thirty years has shown true this is. Today when His Highness enters on fifty-fifth year of his precious life and thirty-seventh of his glorious reign, the State is naturally stirred one feeling of joy and affection for a Ruler who has red such a firm and loyal hold on his subjects of all ses and communities. In spite of the despicable mpts made at mud-slinging by a few disgruntled sons, the masses are still on the side of their paternal haraja who is justly recognised as the "Father of his ple." The wave of public demonstrations from one of the State to the other which passes to day is litional proof of the deep-rooted loyalty of the different sses of people who owe their loving allegiance to him.

From early days His Highness has been known to sess a remarkable power of grasp and understanding. tutor and guardian, Sir Stuart Fraser, declared of young ward that he had seen "with his own eyes y develop in the ruler, that quiet strength of character, t sense of duty to his people and that high conception his great position which, with his other qualities of d and heart, marked out the young Maharaja of sore, even during his minority, as one destined to ke a name among the great Princes of India." This nion has been confirmed by a later impartial and temporary authority, Sir Basil Blackett, an ex-Finance mber of the Government of India, who, when he sided about three years ago, at the birth-day ebration in London, observed thus:

"We have with us this evening Sir Stuart Frase o was, I believe, tutor and governor to the Maharaja en he and Sir Stuart were younger and it must be a eat pleasure to Sir Stuart to look back on those years and think that he had a share in the education of a ruler ose part of the Government of a portion of India has en so distinguished, so universally respected and so raordinarily valuable not only to his State but to dia as a whole."

The latest tribute is from Professor L. F. Rushbrook illiams, who has recorded that "the future alike of the dian Rulers and Indian States lies best and most rtainly along the road which Mysore is now treading th justifiable confidence." On this auspicious occasion is a great pleasure to recall a few leading events from is long era of peace, prosperity and plenty.

Growth of Electricity

Mysore's fame chiefly rests on the wise and far-seeing anner in which it used the natural facilities offerded by its river system. Mysore was the first administration in India-Indian States or British Indian Provinces-to develop electricity from its river. To Sir K. Seshndri Iyer whose genius and statesmanship were admitted as of a high order by the great Proconsul, Lord Curzon, belongs the credit of seeing this hydro-electric scheme through tremendous odds. His courge and intellectual resource won and the first installation saw the light of day almost at the commencement of His Highness' reign and the Cauvery Falls at Sivasamudram became the cynosure of all eyes. Though the Kolar Gold Fields were the first users, the value of electricity was soon realised as a motive power for industrial concerns—small as well great and for domestic purposes. The 5,000 H. P. first generated became in in a few years too inadequate for the requirements of the people. Year after year fresh installations were added until the tenth was completed a couple of years ago which yielded more than 45,000 H. P. A few years ago an investigation was held when it was ascertained that the maximum capacity was about 53,000 H.P. or a little more than ten times the power produced when the first installation took place. In view of the rapidly increasing demand from the public the Government have undertaken two more hydro-electric schemes at a total cost of Rs. 200 lakhs, namely, the Shimsha Valley sceeme and the famous Gersoppa Falls. These two projects will be completed in a period of five years. At present there are more than 170 small towns and villages where electricity has made the people happy and properous. In these rural areas electricity is being used not only for domestic purposes but also for agricultural and industrial purposes. The use of electricity has not only produced a new life and outlook among the village folks but has gone a long way towards increasing the economic prosperity of the masses. The popular and talented Dewan, Str Mirza Ismail, openly said a few years after assuming ministerial responsibility, that "the future industrial development of Mysore, as I envisage it, is closely connected with the full utilisation of electrical power." There are at present over 170 small towns and villages which have been eletrified during the last twelve years of Sir Mirza Ismail's Dewanship. There are about 400 electric installations for pumping purposes to irrigate lands in the rural areas. The revenue which was Rs. 39·15 lakhs in 1926 increased to Rs. 62·05 lakhs in 1238.

The March of Education

There has been phenomenal progress in education. The very basis of educational advance being the spread of primary education, necessary steps were taken to make a survey in the matter of the spread of primary education. This survey was conducted for three decades and action taken on the lines of these Decennial Reports. The necessary number of primary

chools having been established, the Government took up he problem of secondary education. Mysore was the rst State in all India to establish a University on lines nd conditions suited to her needs. While other States nd administrations were engaged in the usual rut of terary education, Mysore struck a different line. Her agacious and far-seeing Ruler, His Highness the late Iaharaja Chamaraja Wodeyar, established the Technical nstitute in the city of Mysore, at present known after his evered name. This was 46 years ago. During this eriod it has grown so useful and beneficent that it rovides a course of studied which has enabled about 300 ouths to earn their own bread. Meanwhile other laces like Channapatna started similar institutions. In nother direction also the Deparment of Public Instruc- on struck a new line. A system of Vocational education as started soon after the Primary stage, so that those ho wanted the vocational side preferred that side, while ose who desired a general course proceeded to the eneral High School. This change was working so ccessfully that the idea dawned on the University to art a course of post-secondary course. A Committee as appointed to investigate the subject. The recom- endation of this Committee was that a course of ost-secondary studies like those in the Educational epartment might be instituted but that the University ould give a Diploma. In other words, those who went the General High School passed the School Final and ined the Intermediate class and the B. A. class and ally secured the Degree. Similarly those who joined e vocational side should be given a continuation urse to be finally rewarded with a Diploma by the niversity. This scheme has been accepted by the niversity. The subjects included are Veterinary ience, Automobile Engineering, Electrical and echanical Engineering, Music, Printing and Binding, inting and Engraving, Domestic Science, etc. The urse is to last for three years. This scheme is to be ought into force from the commencement of the next ademical year 1940-41. In this matter the Mysore niversity has stolen a march over other Universities in dia.

Industrial Advancement

Electricity having been brought home to the very or of the village population, a great impetus has been ven to the promotion of industries. The present gime may be aptly described as an industrial age. The main purpose of the policy of Government during the past twelve years under the lead of her talented and patriotic Dewan, Sir Mirza Ismail, has been to make Mysore self-contained in regard to her material wants. In this object the State has attained a remarkable measure of success. For Mysore can safely reckon on her own resources to develop her water-power without going outside for coal, she is using her own soap to wash with, her own perfumes, her own clothing (whether cotton, wool, or silk) her own pipes for her water-works and drainage schemes, her own transformers and insulators and others electric goods, her own medicines and drugs made from her own factories, her own sugar and in a few months she will be in a position to use her own paper and her own cement to build. This policy of industrialisation has gone a long way toward the betterment of the economic condition of the people. A recent writer in the columns of the *Madras Mail* wrote:—"Several gentlemen, themselves very great industrial and commercial leaders, in their conversations with me, made exceedingly appreciative references to the great advance which Mysore was making, in the industrial field, under the leadership of a far-sighted statesman whose one aim, they recognised, seemed to be to make the people of Mysore as happy and prosperous as possible. The association of the name of Mysore with any industrial project seems to inspire in the minds of many in Northern India implicit confidence in the ultimate success of that project".

Conclusion

It is well known that His Highness the Maharaja is an intensely religious person, though very social in the European sense of the word. Sylvian Levi, the great French savant, wrote:—'One day after a dazzing festival in which were realised the splendours of the Thousand and One Lights, I saw him in the Palace, dressed in a simple white tunic, his mind absorbed in the most sublime problems of Vedantic philosophy". When His Highness was touring in Germany in the course of his European journey in 1936, Dr. Lore Liebenan, the well known Anthropologist of the Hales University wrote thus:—"Though living in a palace of fabulous Eastern splendour. this Prince is remarkable for his personal modesty and marked philosophical interests. His chief care and interest are, however, for the population of the State." The best test of his religiousness and piety and devotion to God was the extremely risky pilgrimage he undertook to Mount Kailas and the privation and suffering he subjected himself to.

A Personal Note

In bringing these desultory remarks to a close I may be permitted to quote what a former British Resident, Sir William P. Barton, K. C. I. E., C. S. I., said about His Highness:—"The people are fortunate in their Maharaja who is not only a statesman of outstanding ability and experience; but makes the well-being of his people his chief pre-occupation. The are equally fortunate in their Chief Minister, Sir Mirza Ismail, who has guided the destinies of the State for nearly a dozen years".

May such a Ruler live long and continue to shower the rich blessings of good Government on his people for several years more is the devout wish and daily prayer which will go today to the KING of kings from every one in the State.

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Late Maharajah Shahu Chhatrapati of Kolhapur

(BY S. K. CHELLIAH.)

The anniversary of the death of the late Maharajah Shahu Chhatrapati, Maharajah of Kolhapur, was observed at the Kolhapur Maharajah's palace and at several institutions where religious ceremonies were performed. Prayers were offered and speeches referring to the late Maharajah's work for the uplift of the depressed classes were made at the public meetings. A chariot procession in which the Maharajah and several high officials and sardars of the state took part was taken out at night

The late Maharajah Shahu Chhatrapati, father of the present ruler, was one of the most illustrations rulers of Kolhapur. He ruled Kolhapur for a very long time and during his administration numerous reforms were introduced for the welfare of the people. The one great task to which he sincerely devoted his energies was the reduction of the social inequalities he found among the people of his state. The uplift of the masses claimed his serious attention. He had genuine sympathies for the agriculturists and the depressed classes and did much to encourage them. In order to afford relief to the ryots specially in the eastern part of the state which periodically suffered from scarcity of rainfall, he constructed a huge masonry dam across the Bhogavati in the valley of the Sahayadris. Numerous tanks costing over many lakhs of rupees were constructed during his regime and they now provide not only drinking water to the villagers but also supply water for purposes of irrigation. The late ruler's claim to the esteem and affectionate regard of posterity is based not so much on the numerous tanks and buildings he had constructed but on the stupendous task of elevating the masses which absorbed his attention and thought. From the very beginning of his reign he rightly realised the importance of the necessity of setting on the right track the whole social machine which for ages had strayed along lines, harmful to national growth. To do so he had to embark on the serious task of fighting with the traditional hierarchy of caste. He set about his work systematically. All forces that made for the uplift of the masses were utilised by him. Compulsory primary education was introduced into the state and a fair start was made in launching the measure. To give a stimulus to higher education among the backward classes, communal hostels were built for their different sections. In the state service preference was given to these long handicapped communities. Even the so-called untouchables were admitted to it. To free the latter from the ban of untouchability he led the way by employing them even in his household and occasionally freely dining with them. The activities of the Arya Samaj, and Satya Shodak were given considerable scope. Nor did consideration of alien religion find place in his broad-minded sympathy with the down-trodden depressed classes. His appreciation of the Christian missionaries' efforts to ameliorate the hard lot of these unfortunate communities found expression in his princely generosity towards their selfless work. It has secured to the Christian Mission spacious buildings and prominent sites in and about the city.

His staunch loyalty to the British Throne and hi unsparing efforts to suppress sedition and disloyalty i and also outside the state brought on him bitter attack from the extremist press. But undaunted by them h flinched not, deeply convinced as he was that the salvatio of India depended on the uplift of the masses, that it wa the British Government that was the first to apply th powerful lever to the work and that the end could not b attained without their sympathies and help. Thus cordia cooperation with the Government was the watchword c his policy and his 'humble services' as he used to sa were always at their disposal. His active help in th troublous days when sedition was rampant especially i the Deccan is still remembered by the public. Durin the visit of H. R. H. the Prince of Wales in 1922 whe non-cooperation was at its height, by his vigorous effor to counteract it, the movement lost its edge. Regardin his services during the Great War Sir Leslie Wilson, th then Goveenor of Bombay, said while unveiling h memorial : "In this great epoch of history the Kolhapu state led by his late Highness played its part nobly. gave recruits, contributions in material and money an other service in full proportion to its population an resources."

His zealous work in the interests of his people an his valuable services during the great war were high appreciated by the British Government. It found reco nition in his being made a G.G.S.I., G.C.V.O., and G.C.I.E., i the restoration to his house of the power of capit punishment and residuary jurisdiction in feudatory jagi and in the bestowal of the great honour of a person salute of 21 guns on him.

The Coimbatore Labour Enquiry Report

(BY B. N. RAO, M. A.)

II*

The Enquiry Court has favoured the reduction of hours of work from nine to eight hours a day, especially for night work. But at the same time the Court recommends that no action be taken in the matter unless simultaneous legislation is introduced in all provinces which have a developed textile industry, and is definitely of the opinion the 8 hour day should not be introduced till at least Bombay has adopted it. We feel that the Court is quite right in insisting on this point.

At present there is no labour union in Coimbatore which is recognised by any of the mills. The Court holds that the demand of the mill owners for registration of trade unions, their functioning without "external assistance" and giving a guarantee in advance that they would not encourage "class war" is unreasonable. At the same time it recommends that every trade union which wishes to be recognised by the employers should get itself registered under the Trade Union Act. And there is really no reason why workers should not comply with this demand.

The employers' demand for 14 days notice of strike has been rightly stigmatised by the Court as extravagant. There can be no doubt that the object of this is to hire "blacklegs" in the meantime. This is evident when it is told the employers have categorically refused to give any undertaking that they would not engage new workmen during the period. The suggestion of the Court that the Government should appoint an officer for the establishment and working of Trade Unions in the district on right lines on the analogy of the Cooperative Department giving assistance in the promotion of the cooperative spirit in rural or other areas is really unexceptionable, since it is in the interests of employers also. The Court thinks that before going on strike, the workers should formulate their grievance, put it in writing and then communicate it to the management 24 hours before the proposed strike and opines that within this period, it should be possible to compose differences, if there is any possibility of doing so. It is suggested that 24 hours are too short a notice and that at least 48 hours notice should be given. As for the composition of the Conciliation Board, the Court recommends that it should consist of a representative of workers, one of employers and two "respectable" non-officials appointed by the Government with a fifth possibly, in the person of the Commission of Labour or District or Deputy Collector. We are afraid that the composition of the Board is calculated to give unduly large powers to the Government, at the expense of employers and employees alike. Conciliation Boards have played an important part in promoting industrial peace in Bombay Presidency and we do not see any reason why a beginning should not be made in Coimbatore. But it is important as the Court suggests that a provisions should be introduced in the Trade Disputes Act similar to the one contained in the law relating to arbitration, not only for making the decision binding on the parties but also for its enforcement.

Turning to welfare activities, the Court finds that the housing conditions are appalling, no mill having cared to house its workers though a few have built houses for their officers, clerks and maistries. It is stated that at least 15,000 families have to be properly housed. The Court recommends the government should help the mills with loans equal to half the cost of construction met by the mill owners to be paid to the Government in easy instalments spread over a period of ten or twenty years. We wonder however whether the Government are in a position to do so.

Child labour seems to be employed on a considerable scale. The employers accept any child as an adolescent who produces a certificate without any further verification. This is all the more deplorable, the Court says, since transfer of certificates seems to be fairly wide-spread. It is stated that a boy who obtains a certificate gives it to another or even sells it and on the ground that he lost he appears again before the certifying surgeon and gets in almost all cases a fresh certificate.

Education seem to be practically neglected. It is recommended that an elementary school with facilities for training in handicrafts and useful arts for every colony of 100 working class families should be started.

Employers themselves seem to be divided on the advisability of multiple shifts and its abolition is recommended. It is unlikely that there will be any real opposition to it from the employers.

The Court says that there is general complaint that the hands of the clock are put backwards thereby making the workers work longer. In order to avoid such abuses, it is recommended that a system of electric clocks with synchronised timing in the mills in the district should be introduced if found possible. Pending its introduction, it is suggested that all the mills should keep the Indian standard time and the clocks be kept in such a position as to be tamper-proof.

On the whole we must say that we are in general agreement with the Court in its recommendations regarding hours of work, attitude towards trade unions and welfare activities. But we feel that the wage increases recommended by the Court are somewhat high.

* The previous Article appeared in F.I. on 1st June '38.

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Hours of Work of Shop and Commercial Employees

(Issued by the Indian Merchants' Chamber, Bombay)

Legislation on the question of shop assistants and retail sellers' assistants is not as old as it is in the case of factory workers. Excepting England, Belgium, and a few more countries of the West, all nations, it appears, initiated legislation on this vital problem after the Great War.

A shop assistant, although regarded as a salaried employee and having something of a status of commercial employees is probably—in almost all countries—so far as length of working day is concerned, very much worse off than a labourer. It may appear dismaying—none the less a fact—that the worker is definitely better off than his colleague in an office, and as Sir H. Llewelyn points out in his book *The New Survey of London Life and Labour*, that the long hours associated with retail distribution go far to nullify the supposed advantages of higher status in many parents' eyes as compared with life in factories of the better class.

The distinctive feature of retail trade (which means distribution of goods to consumers) usually has to adjust itself according to the shopping habits and tendencies of peoples in various parts of the world. The times for opening and closing of shops ought therefore to vary from country to country and from seeson to season. A maximum limit of hours of work and periods of rest can, however, be fixed, and it is here that we have to set collecting data and such other information as would be available to us. It is nevertheless our concern to define certain of the terms connected with the present study. The problem of the international definition of the term "salaried employee" (for it is in these two words that all the provisions and categories used in the two Bills on Shop Assistants can be boxed) was considered at length by the I. L. Conference in 1928–29, it being clear then from the discussions that wide divergences existed between the uses of the terms in different countries.

The Eighteenth Session of the International Labour Conference (1934) had before it a Draft Convention concerning 40-hours week in commerce and offices. The Committee responsible for considering this question had first to give an opinion as to the advisability of preparing a special convention applicable both to industry and to commerce. After considering the Draft Convention submitted to it the Committee held that it would be better to draw up a special convention for commerce and offices. It introduced certain amendments in the Draft submitted by the office for the purpose of extending the scope of regulations ; in particular it included in the Draft three categories of establishments—those for the treatment and care of sick, etc., hotels, restaurants, cafes and places of public amusements, which the office, following the main lines of the Draft Convention adopted in 1930, had excluded.

Definitions

For our purpose, however, we shall rely on the definitions of the terms provided to us in the provisions of the Bills which Mr. R. R. Bakhale had introduced in the Bombay Legislative Council in 1934, and the Bill which the present Bombay Government contemplat introducing in the immediate future.

Mr. R. R. Bakhale defined the terms thus:

(*a*) *Shop.*—It includes any premises where any reta trade or business is carried on.

(*b*) *Retail trade or business.*—It includes the sale refreshments or intoxicating liquors, the business of barber or hairdresser and the retail sale by auction, b does not include the sale of programmes and catalogu and other similar sales at theatres and places of amus ments.

(*c*) *Shop assistant.*—Any person wholly or main employed in a shop in connection with the serving customers or the receipts of orders for the receipts goods.

(*d*) *Public holidays.*—It means a holiday declar under the Negotiable Instruments Act and includ *Amavasya* day or a day of public rejoicing or publ mourning.

Terms as defined by the present Bill of the Gover ment of Bombay are as follows

(*a*) *Shop.*—It means any premises whe merchandise it sold either by retail or wholesale or bo and for the purpose of this Act, includes offices, war houses or godowns, whether in the same premises otherwise, used in connection with such trade or busine hairdressers' and tailors' shops and similar establis ments.

(*b*) *A person employed means.*—(*i*) In the case of shop, a person wholly or mainly employed in connecti with the serving of customers, the receipt of orders or t despatch or handling of goods and includes a clerk. ((In the case of a commercial establishment, a pers wholly or mainly employed in clerical work includi typing, book-keeping, and operation of mechanic appliances used in connection therewith. (*iii*) In t case of a hotel, restaurant, eating house, etc., a pers wholly or mainly employed in the preparation or t serving of food or in attendance upon customers cleaning any part of the premises or the utensils us therein.

(*c*) *Commercial establishment.*—It means any pren ses, other than a shop or factory, wherein a trade or business is carried on.

(*d*) *Employer.*—It carried on in any premises used as a shop, commercial establishment, restaurant, theatre or any other establishment covered by this Act and shall include the representative of such owner in the said premises.

(*e*) *Whole holiday.*—It means a day on which a person is not employed about the business of a shop, a commercial establishment or any other establish covered by this Act.

Provisions of Mr. Bakhale's Bill

A cursory glance at the definitions of the terms employed by the authors of the Bills, makes evident the fact that the Government Bill is more comprehensive and wider in its scope than Mr. Bakhale's Bill. We propose to substantiate our remark in due course and show, where and how far the second differs from the first; in the meanwhile we record the provisions contained in the two Bills under discussion.

The provisions of Mr. Bakhale's Bill are as follows:

(*i*) No young person under the age of 18 shall be employed in or about a shop for a longer period than 70 hours including meal-times in a week.

(*ii*) No person under the age of 12 shall be employed.

(*iii*) The hour fixed by a closing order shall not be earlier than 7 o'clock in the evening on any day.

(*iv*) Every shop shall save as otherwise provided by this Act, be closed for the serving of customers not later than 1 o'clock in the afternoon on one week-day in every week.

(*v*) (*a*) Special provisions as to restaurants.—The general closing hours shall be 10 o'clock in the evening on the late day and half-past 9 o'clock in the evening on any other day.

(*b*) Special provisions for tobacco and smoke requisites.—The general closing hours shall not be later than 10 o'clock.

(*vi*) Intervals for meals shall be allowed to every assistant amounting on a half holiday to not less than three-quarters of an hour and on every other day to not less than 2 hours, and no assistant shall be employed for more than 6 hours without being alowed an interval of at east half an hour.

(*vii*) Every shop shall, save as otherwise provided by this Act be closed for the serving of customers not later than 9 o'clock in the evening on one day in the week (in this Act referred to as the late day) and not later than 8 o'clock in the evening on any other day in the week and those hours are in this Act referred to as "general closing hours."

Mr. Bakhale's Bill was proposed to be sent to the Select Committee, but at the end of the discussion, Government opposed the Bill and it was defeated by 38 to 30 votes, and could not even go to the Select Committee.

Provisions of the Government Bill

The provisions of the present Government Bill are as follows:

(*i*) No person shall be employed in commercial establishment for more than 9 hours on any day or 54 hours in any week, exclusive of intervals for rest and meals.

(*ii*) No person shall be employed in a hotel, restaurant, eating house, etc., for more than 9 hours on any day, exclusive of intervals for rest or meals.

(*iii*) Every employee shall be granted, during the period of daily employment, an interval of at least one hour for rest or meals, provided that no such employee shall be employed for more than 6 hours without an interval for rest of at least half an hour

(*iv*) Every person employed in a shop or in a commercial establishment or any other establishment which is subject to this Act, shall be entitled to 52 whole holidays with pay in each calendar year of which at least 4 must be given in each calendar month.

(*v*) No child shall be employed in or about the business of an establishment covered by this Act before 6 a.m. or after 7 p.m.

(*vi*) The hours of work of a child shall not exceed six on any day.

(*vii*) The hours of work of a young person shall not exceed eight on any day.

Government Bill and Mr. Bakhale's Bill Compared

We have given the broad provisions of the two Bills, and now shall note where the first differs from the second.

A perusal of the two Bills would show—other things being equal—that the present Bill is more comprehensive and includes many of the categories of workers included in the Draft Convention of the League.

(*a*) In the former the author had excluded assistants in commercial establishments and persons engaged in selling programmes and catalogues and similar sales at theatres and places of amusement from being included within the jurisdiction of law. The prerent Bill includes those persons and categories to be included within the Act.

(*b*) The town of Hubli is excluded in the present Bill. The question of the City of Karachi does not arise, since Sind is a Province by itself now.

(*c*) There are certain concessions granted in hours of work to the "members of the family" serving in a shop in Mr. Bakhale's Bill; no such provisions appear in the present Bill.

(*d*) According to Mr. Bakhale's Bill:—(*i*) No assistant was to be employed for more than 65 hours in a week exclusive of meal-times; (*ii*) thirty-two whole holidays on a week-day every year of which at least two were to be given within the currency of each month and which were to comprise a holiday on full pay of not less than 6 consecutive days; and (*iii*) twenty-six whole holidays on Sundays in every year so distributed that at least one out of every three consecutive Sundays was to be a whole holiday. The present Bill on the contrary proposes to make 54 hours of work in a week and 52 holidays in a year (with pay); intervals for meals according to Mr. Bakhale's Bill were 2 hours, while in the present case the time should not be less than an hour and a thirty-minutes rest after every six hours' work.

(*e*) So far as hours of work for children and young persons are concerned, (note the different ages in the two Bills) the present Bill forbids a child being allowed to work for more than six hours a day and a young person for eight hours a day. Mr. Bakhale had proposed that a a child was not to work at all and a young person was to work 70 hours *including meal-times*

(*f*) Mr. Bakhale had specified hours for closing and opening in certain cases; no such thing is visualised in the present Bill.

From what we know and gather from the study on the subject, we should feel unhesitatingly to recommend a case for consideration. That shop-assistants are heavily worked is a fact no one disputes; that some law to regulate the hours of work needs to be enforced is too obvious to call any logic.

As regards holidays in a week, it is rather difficult to generalise offhand. All the same that some period of complete rest is necessary can be argued even from a psychological point of view, apart from the social and physical points, which the committee of the Chamber pleaded in its favour. To entitle a worker to resume his work with vigour and energy, it is essential that he must be granted a weekly rest.

So far as opening and closing hours are concerned, these are matters of details which can be adjusted according to local and seasonal conditions of a particular locality. Even in the West, no hard and fast rule niformly observed is noticed.

The Bill deserves consideration

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WAGES DISPUTE IN PAPANASAM MILLS

Mr. D. N. Strathie, I.C.S., Labour Commissioner, who was appointed as arbitrator on the question of wages at the Madura Mills, Papanasam, has now submitted his award. Mr. Strathie finds that housing conditions at Madura are "perfectly appaling" and that "there, most of the workers live like pigs in dark, damp little Lungeons with utterly inadequate sanitary arrangements and none of the ordinary decencies of life." He further finds that wages at Papanasam are not adequate to provide a worker with the standard of life which is nowadays accepted as desirable. He holds that the ability of the mills to pay slightly higher wages is, in the absence of any depression in this branch of trade, likely to be of some duration and this in spite of the fact that he has no hesitation in finding that the Papanasam Mills do not have any natural and mechanical advantage which render the cost of production less. On the assumption that higher wages should be paid entirely on the desirability of giving the workers a higher standard of living, he recommends that any increase in wages should be given to the class of workers at present drawing the lowest salaries. He accordingly recommends that full time spinners, doffers, winders and doublers should be given an increase of Re. 1 per mensem and that in the case of reelers who are paid on the piece rate system, the rate should be increased by a quarter pie per ℔ or 10 per cent. At present, it may be stated at Madura the (basic) wage for a man-spinner is Rs. 11-2-0 per month plus an attendance commission of 12 as 9 pies and a bonus of Re. 1 plus a production commission which may amount to as much as Rs. 4-4-0 per month, while reelers are able to make Rs. 8 to Rs. 10 per month.

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Federated India

PUBLISHED EVERY WEDNESDAY EVENING

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CURRENT COMMENTS

Hindu Mahasabha Demands

Some of the resolutions passed at the meeting of the Working Committee of the Hindu Mahasabha held at Nasik on the 28th and 29th May last refer to questions of crucial importance at the present moment to British India as well as to Hindus in Hyderabad and Bhopal—the two leading Muslim states. At the outset, we may state that we have not been amongst those who consider that there is no need for an avowedly communal organisation to protect the interests of a community—residing in British India or in an Indian state. But no communal organisation should leave an impression that it is out to create trouble to the ruling power as a communal organisation. If its object is to replace the system of Government obtaining anywhere in this country, it must at once cease to function as a communal organ and become a political body open to all sections of the population. It is in this respect that the Congress easily outdistances the Muslim League and the Hindu Mahasabha. However that may be, if the Mahasabha desires to earn the gratitude of the Hindus it must be thoroughly progressive in its outlook and not increasingly disruptive and unnational. For instance, when the Mahasabha calls upon Congress ministries to form separate Hindu constituencies in framing constitutions for municipalities and local boards, it is hopelessly retrogressive. On the other hand, there should be no communal electorates for Municipal bodies, although to ensure representation to backward communities, there might be reservation of seats to be filled in by the vote of joint electorates. We are at one with the Hindu Mahasabha in urging the inauguration of Federation so as to make for a politically united India under the Crown, but we notice that this opinion is weighted down with the requirement that the federal scheme should satisfy "national aspirations". This is a dubious position to take, since there are many exponents of "national aspiration" who would like the practical extermination of Indian states as ruling powers, re-arranging the map of India as one great Democratic Commonwealth. Does the Mahasabha want the result of a political revolution, without the process of a revolution, and does it want this to be achieved by the British Government? The Mahasabha must know that it can as well ask for the moon. "National aspiration" is the least helpful phrase in the sphere of practical politics. One can understand it on a Socialistic or Communistic platform. We would suggest that the leaders of the Mahasabha should publish a manifesto setting forth its own "aspiration", or should back the inauguration of Federation in the terms of the Government of India Act, notwithstanding its shortcomings, as a substantial beginning. If the Mahasabha wants to be a force in practical politics, it must be definite in its demands and organise public opinion in its favour. We whole-heartedly endorse the Mahasabha's condemnation of clemency to prisoners—whether Hindu or Muslim—convicted of brutal offences to women and children. The tendency to tamper with judicial decisions on the part of the Bombay Government particularly, even releasing a Muslim convicted of murder, cannot be censured too strongly and the Congress Working

Committee must demand an explanation of that Government. The attempt to displace Hindi by Urdu or *vice versa* is highly objectionable and we wish the Sabha had condemned the practice of singing *Bande Mataram* in schools and public bodies, including legislatures open to followers of all denominations. As regards allegations of differential treatment to the prejudice of Hindus in Hyderabad and Bhopal, it will be advisable if the Mahasabha would prepare an authentic memorandum and submit it to their Governments for appropriate action. A sifting inquiry should, however, precede the drafting of the memorandum and no assumption should be made that Hindus are persecuted, because of the ruler being a Muslim. Such an assumption will lead to a counter assumption that Muslims in States where the ruler is a Hindu are equally liable to persecution. Nothing but good will result from the activities of the Mahasabha if it errs on the side of restraint and circumspection.

Incomprehensible

Frankly, we are unable to appreciate the exceptional indifference of the Government of India in regard to the situation in Sikar. The latest news that Jaipur armed forces made what is called a "lathi charge" at 9 p.m. on the 2nd inst. on the public of the city marks the natural development of this policy of studied indifference—as we have to assume in the absence of an authentic Government communication. The so-called committee of inquiry whose personnel was announced some days back is a veritable joke and tends only to confirm our impression that the Government of India seems to believe that things must become worse before it is necessary for it to feel called upon to move in the matter. The practice of giving the rope is a discredited policy to-day and the Foreign Department of the Government of India cannot claim to be exempt from the intelligent and critical interest of British India. There is a limit to its being a "foreign" branch of the Government of India and this limit has been left behind by what has been transpiring in Jaipur state and by the larger outlook which the people of India including Indian states have rapidly become accustomed to. The committee that has been announced is a born misfit in the existing situation and it behoves the Viceroy to evince greater personal interest and depute a person whose name will carry confidence to conduct an inquiry and suggest measures for avoiding a repetition of the present outcome.

A Bizarre Proposal

The U. P. Provincial Congress Committee has passed amongst others a resolution demanding "the posting of a trusted Congressman in each police station to watch the activities of the police". We are at a loss to understand whether such Congressmen are to be honorary or paid servants of Govern ment, and whether they will have to be amenabl to the disciplinary control of the officers of th department or to be independent of them, exercisin special powers as deputed representatives of th minister for law and order. The idea indicates th irresponsible manner in which absurd recommenda tions might be made by a provincial Congress Com mittee. At this rate the Congress Committees ma appoint Congressmen to watch the activities c other Government servants also. There will be on Government as heretofore and another to ensur satisfaction for Congress Committees.

Worth Considering

It seems to us that the memorial of todd shop keepers of Bombay praying that fresh and pur toddy might be treated as a healthy, natural drink instead of being classed as an intoxicant deserve consideration. The suggestion will result in nc depriving thousands of toddy tappers of th employment and the prohibition policy will materially suffer in its efficacy. Of course, sw toddy, when allowed to become sour, becomes intoxicant drink. How will it be possible to prev the conversion of sweet toddy into an intoxicant, long as sweet toddy is allowed to be sold? The of Science must be requisitioned and means shou be found to prevent the fermentation of sw toddy. We have a belief that this may be qu possible and it behoves Congress Governments explore this suggestion.

Mr. G. G. Morarji's Speech

The grievances of third class passengers Indian Railways were enumerated by Mr. Gordh das Gokuldas Morarji in his address to the Sou Indian Railway Passengers' Conference held Devacotta. They paid more and got less comf he stressed. The third class passengers' lot really very bad ; and it will continue to be so unl men of weight like Mr. Morarji move the authorit concerned. We are glad Mr. Morarji has set example of fearless criticism to his compeers in business world.

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 1431—40. Dated, Bangalore, 13-9- 1938.

Official Memorandum.

A meeting of the Select Committee appointed to consider the Mysore Newspapers Bill will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore at 3 P.M. on Monday the 19th Sep 1938.

By Order,

10.9

Secretary to the Committee.

1) H. V. Ramaswamy Esq
2) C. Subramanyam Iyer Esq
3) J. A. Karim Khan Esq
4) Smt. N. Lakshmi Narayanappa
5) Khan Bahadur Mr. Ahmad Abdul Khan
6) B. S. Puttaswamy Esq
7) Rajacharla Visvanadha Rao & Mr. C. Hanumadana Rao

Mrs. M. A. Subbarao

B. S. Pattiswamy

C. Nagarandra Rao

" P. Subbarama Chetty

Invitation to Press Reps

1787/39
P 238

Bangalore
12th Sept 1938

My Dear Sundara Raja Rao

With reference to your Memo. No. P1431–40 dt. 13th Sept. 1936 for the 19th Sept. 1936 at 3 pm a meeting of the Select Committee of the Mysore Newspapers Bill, I write to state that the Mysore Constitutional Reforms Committee is due to meet on the 19th & 20th & 21st Sept., at Mythic Hall between 12 noon & 5 pm. It would therefore be a great help if the Select Committee on the Mysore Newspapers Bill can meet a couple of days earlier if possible on Sat. 17th Sept. Perhaps you will look into the matter and see if any change can be secured.

With ample apologies

Yours Sincerely

C. Hayavadana Rao

13-9

Submitted for perusal & orders

member

14.9

Sanction. Write to Dewan as directed

See 14/9

Dewan

14.9

Appendix F G—1]

SUBJECT ..... Newspapers

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. P1464-73

General and Revenue Secretariat

( )

the *193* .

Date of issue 16. 9. 38

Signed by Mr. A.S.R

~~To~~

Dear Sir,

~~I am directed~~

~~to state that~~ as

It is represented that

~~some~~ of the members

of the select committee

on the Press Bill

are on the reforms

committee which is

to meet in the after

noon of the 19th inst

I am directed to state that

the meeting of the

Select committee

on the Mysore

Newspaper Bill

proposed to

~~write~~ the fields at

List of enclosures .....

Copied by .....

Examined by .....

~~8-30~~ 8 p.m. on Monday the 19th Sep 1938 ~~instead~~ will instead be held at 8-30 Am the following day ~~of 3 p.m. as previously intimated~~

Yours sincerely,

14.9

To

1) H. V. Ramaswamy Esq
2) C. Subramanya Iyer Esq
3) J. A. Hamilton Esq
4) Miss N. Lakshminarayanappa
5) Khan Bahadur Mr. Mahomed Abbas Khan
6) B. S. Pattiswamy Esq
7) Rajachariar Sarada Rao Sahib Mr. C. Kaganadana Rao
8) P. Subramania Chetty Esq
9) G. Sivaraji Rao Esq,
10) K. R. Subramania Iyer

copy to G.B.

" P.A to First Minister

[illegible] HIGH COURT,
Dated, Bangalore, the 14th Septr.1908

Dear Sir,

As it is represented that some of the members of the Select Committee on the Myore Bill are on the Reforms Committee which is to meet in the afternoon of the 19th instant, I am desired to state that the meeting of the Select Committee on the Mysore Newspaper Bill proposed to be held at 8 A.M. on Monday the 19th September 1908 will be held at 8-30 A.M. the same day.

Yours sincerely,

1120 / P 838

No. 1, Mysore Road,
Bangalore City

14th September 38

My Dear Mr. Sundararaja Rao,

In continuation of my letter dated 13th instant re: the meeting of the Select Committee of the Mysore Newspaper Bill fixed for the 19th instant at 3 P.M., I write to state that against 6 non-officials included in the above Committee, five are also members of the Constitutions Reforms Committee. They will accordingly have to attend that Committee on those days - 19th to 21st September inclusive. If Saturday the 17th as suggested by me in my letter of yesterday is found to be too early to give adequate notice to other members, I would suggest Thursday the 22nd instant. I am personally suggesting this to you to see whether any change in the date of meeting could possibly be considered.

Yours sincerely
C. Hayavadana Rao
(C. Hayavadana Rao)

A. Sundararaja Rao, Esq., B.A., B.L.,
Secretary R.A. & Legislative Council,
Bangalore

members of the S.C have since been informed that S.C will meet at 8.30 AM on the 19th inst. notice is therefore necessary on this letter

15.9

(44 1786/p838

D. O. No. 253

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,
Bangalore, 14th Sept. 1938.

hd/14.9

Dear Mr. Sundararaja Rao,

May I request you to kindly send me for perusal and return, the file of papers relating to the Mysore Newspapers Bill which is coming up for consideration before the Select Committee on Monday the 19th instant. The file will be returned to you before this evening or at the latest by to-morrow.

Thanking you,

Yours sincerely,

Mode Madhava Nanappa

A. Sundararaja Rao, Esq., B.A., B.L.,
Under Secretary to Government,
Bangalore.

Draft forwarding file ...

Sd/ 14/9

Done hd/14.9

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 14.9-3

Signed by Dr. A.S.R.

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

O. No. P1463 / Revenue file.

To

Dear Mr. Lakshmanaraya

As desired by you

I send herewith the

the file on the

Mysore Newspapers

Bills. It may

kindly be returned

to-morrow by 11 Am.

yours sincerely

14.9

Mr. N. Lakshmanaraya

Newspaper Bill, B.A

& L.A.

Govt Advocate

WD 0278—GPB—30,000—4-3-38

(46

GENERAL AND REVENUE SECRETARIAT

D. O. No. P1463
Recd. one file

Dated, Bangalore, ~~14th Septr.~~ 1938.

Dear Mr. Lakshminaranappa,

As desired by you I send herewith the file regarding the Mysore Newspapers Bill. It may kindly be returned to-morrow by 11 a.m.

Yours sincerely,

14.9

Mirle N. Lakshminaranappa, Esq., B.A., LL.b.,
Government Advocate, Bangalore.

GOVERNMENT ADVOCATE'S CHAMBERS,

PUBLIC OFFICES,

Bangalore, 15/9/1938 193

Dear Mr. Sundararaja Rao,

I am returning herewith, with thanks, the file relating to the Mysore Newspapers Bill sent to me for reference with your D. O. letter No.P. 1463 dated the 14th September 1938.

Yours sincerely

Mohamed Ali

A. Sundararaja Rao, Esq., B.A., B.L.,
Under Secretary to Government,
Bangalore.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL & REV. SECRETARIAT
3 NOV. 1938
BRANCH

General and Revenue Secretariat,
Bangalore Dated 4th November 193

20 Kl. 132/R6

OFFICIAL MEMORANDUM.

Under Standing Order 51 of the Standing Orders for the conduct of business and procedure to be followed in the Mysore Legislative Council, Rajasevaprasakta Mr. B.T. Kevasiengar, B.A., Member of the Legislative Council, is appointed an additional member of the Select Committee appointed by the Council on the 23rd June 1938 to consider the bill to provide for the better control of the publication of newspapers and other printed works containing public news.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 27 23-32 Dated, Bangalore, 12 12 1938

A meeting of the Select Committee appointed to consider the Mysore Newspapers Bill will be held in the Chambers of the Home Member of Council, Public Offices Buildings, Bangalore at 2 P.M. on Friday the 9 Dec 1938.

By Order,

1.12

Secretary to the Committee.

To

Rajasuryaprakasa Rao

1) B. T. Kisanaswamy Iyengar Esq B.A., B.L.

2) H. V. Ramaswamy Esq M.A., B.L.

3). F. A. Hamilton Esq C.I.E

4) Srinivasa M. Lakshminarayana Esq, B.A

5) Khan Bahadur Syed Mahomed Abdulkhan P.T.O.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

Dated Bangalore, ...193

1st December
2nd

FIFICATION.

OFFICIAL MEMORANDUM.

A meeting of the Select Committee appointed to consider the Mysore Tenancy Bill will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore, at 3 P.M. on Friday the 9th December 1938.

D.O. No. Cx. 39
38.29

386/938

F. A. HAMILTON, Esq., C.I.E.,
Inspector-General of Police
in Mysore.

Camp: Mysore,
~~BANGALORE~~

December 1938

OFFICE OF THE
FIRST MEMBER OF COUNCIL
DEC 7 1988
No.

REV. SECRETARIAT.
7. DEC. 1938
LEGISLATIVE BRANCH.

Dear Sir,

With reference to the notice fixing a meeting of the Committee for the Press Bill for the 9th instant, I have to report that I am now on tour in Mysore and engaged with the arrangements for the visit of His Excellency the Viceroy and if I have to return to Bangalore for this meeting, I shall be put to serious inconvenience as I shall have to return to Mysore to complete my work. I request, therefore, that my attendance at the meeting fixed for the 9th instant may be excused.

for perusal
(for member)

Yours sincerely,

F. A. Hamilton

To
A. Sundararajarao Esq., B.A., B.L.,
Under Secretary to the Government,
Bangalore.

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Proceedings of the first meeting of the Select Committee appointed to consider the MYSORE NEWSPAPERS BILL, held in the First Member's Chambers on Monday, the 19th September 1938.

P r e s e n t.-

1. Rajamantrapravina S.P. Rajagopalachari, B.A. B.L., (Chairman)
2. Rajacharitavisarada Rao Sahib C. HAYAVADANA RAO, B.A., B.L.,
3. Khan Bahadur Mahomed Abbas Khan
4. Mr. K. R. Subbannachar
5. Mr. G. Girimaji Rao
6. Mr. Mirle N. Lakshminaranappa
7. Mr. H. V. Ramasvami
8. Mr. F. A. Hamilton.

A b s e n t.

1. Mr. P. Subbarama Chetty
2. Mr. B. S. Puttaswamy
3. Mr. C. Subrahmanya Aiyar.

PREAMBLE.-This was amended as follows:-

"Whereas it is expedient to amend the law providing for the control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows:

Short Title and Extent.

1.(1) Mr. CHAIRMAN.-Since we are enacting a comprehensive Act, why not change the title. Provisionally, we may adopt the expression "The Mysore Press Act".

Definitions.

(2) and (3).- No change.

(4) In the definition of "newspaper", the phras ~~xxxx

expression the definition may be changed xx thus:

"undeclared press" means any press in respect of which there is not, for the time being, a valid declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore."

3. This xxxxxx section to be deleted and the subsequent sections to be re-numbered consequently.

CONTROL OF PRINTING PRESSES & NEWSPAPERS.

Sections 4, 5 & 6 apply to Printing Presses. But practically, the same principles apply to the Newspaper proprietors as well.

Mr. C. HAYAVADANA RAO.- By fixing the maximum of the security amount at Rs.3,000/-, Government will be effectively shutting out the starting of a newspaper.

CHAIRMAN.-This applies only to printing presses and even there, it is said "may require".

Mr. C. H. RAO.-It is a common ground so far as declaration goes whether printing press or newspaper press.

CHAIRMAN.-Supposing a man starts a printing press which has nothing to do with newspapers; and where the proprietor has, for the time being, no intention of printing a newspaper. Why Should he be required to furnish security? Supposing there is x'X', about whom there is no antecedent history or against whom you know nothing. Why should we demand a security from him? The premises are that he is starting a xxxxxxxxx printing press. Nobody has offered him the patronage of printing a newspaper. Why should you ask him for a deposit? Supposing afterwards a newspaper has to be printed there, then it will be time enough to require him to furnish security.

Mr. Mirle N. LAKSHMINARANAPPA.-It is only "for reasons to be recorded in writing" that security can be demanded. A keeper of a printing press may include a person with good antecedents or bad antecedents or with no antecedents. So, the discretion to demand the security is vested in the licensing Magistrate.

CHAIRMAN.-A person comes to make a declaration for opening a printing press. The Magistrate has got the power to demand a security from him immediately. That is the effect of this provision. Where is the need for it at this stage?

Mr. Mirle N. LAKSHMINRASAPPA.-Supposing there is A who has no bad history, B has a history and C has a good history. If the power is not given to the Magistrate at that stage, then when is it to be given?

CHAIRMAN.- It may be provided under some other section. So far as the printing press goes, when it comes to the notice of the Magistrate that a newspaper of a character which is questionable is going to be printed in that press, i.e., at a later stage, he may demand the security.

Mr. H.V. RAMASVAMI.-According to Torts "Every dog is entitled to a first bite!".

Mr. HAYAVADANA RAO.-When we are making a law, we must try to see the difficulties. It is not the Magistrate's discretion here. A thing that you can do is a thing to be taken as capable of being done. Our object is to consider the bill in the light of modern requirements. An initial investment on the part of the pressman of a thousand rupees (for the security) in addition to his other capital expenditure

expenditure for starting a press for doing printing work of an obviously innocuous matter, will work as a hardship.

4 (2). CHAIRMAN.-This sub-section deals with the refund of security. This makes it still more unnecessary to require the security. Why receive and refund?

The Magistrate himself has no discretion to return the money. This discretion as to whether any action should be taken against a press or whether money should be refunded rests with Government. They have got to examine the history of every printing press before refunding the security.

(3) The following verbal alteration may be made in this sub-section. For the words--

> "in respect of which security under the provisions of this Act has not been required,..."

substitute the words:

> "in respect of which no security under the provisions of this Act has been required,....."

Mr. MIRLE N. LAKSHMINARANAPPA.-Sec. 4 (1) gives discretion to the Magistrate, in the case of persons who have bad history, to demand security, without the Government stepping in.

Mr. C. HAYAVADANA RAO.-A man may be prosecuted In British India and have his press also confiscated. He starts another press. Immediately that was done, he had to deposit the security. It was all done under an Emergency Act then. Subsequently, they made it an ordinary law.

CHAIRMAN.-We are not enacting this law under any extraordinary circumstances. The moment he does an overt act open to objection, you can call upon him to furnish the security. Why not allow the declaration to be a free declaration in all cases? That is the suggestion made in the Assembly and the Council.

Mr. C. HAYAVADANA RAO.-If he does an overt act, there will be time enough to book him. If A man whose press has been confiscated, goes and starts a press to make a living, why make it impossible for him to do so? He has purged the offence. What we suggest is, let there be no restraint even for doing an honest thing which he may be presumed to do.

Mr. K.R. SUBBANNACHAR.-I also feel that such a person should be given a chance and the question of security need not come in the first stage.

Mr. MIRLE N. LAKSHMINARANAPPA.-Is it not more expedient that the Magistrate should make the order and not the Government?

CHAIRMAN.-The money goes back after 3 months. If he commits the offence, Govt. have got to make the demand whether it is a measure of popularity or not.

What we have to aim at is that when the press is used for the purpose of publishing something which is objectionable, there should be power to proceed against it.

Mr. F.A. HAMILTON.-Supposing a man wants to open a press for the purpose of

aiding a betting campaign, is the Magistrate not bound to demand security?

CHAIRMAN.-This bill won't apply to such a case. It will come under the Betting Act. We are not providing to meet all kinds of trouble but only with the kind of trouble connected with the publication of news.

Mr. F. A. HAMILTON.-This bill seems to apply only to printed matter but not to manuscripts, typewritten statements, and so on.

CHAIRMAN.-This deals with all materials used for multiplying of copies. To make that point clear, we will add this point in the definitions of "book" and "document", by including therein the expression 'type-written or hand-written.'

The point whether the Magistrate should take power to demand security at the early stage may be reserved for further consideration.

Mr. HAYAVADANA RAO.-The amount fixed for security deposit is very heavy. The economic status of the people here is very low. There are very few printing presses which are in a position to find such a heavy sum.

CHAIRMAN.-We shall deal with the figures later on. They appear in several stages.

Sec. 5.-The first para may be numbered as sub-clause (1).

In sub-clause (b), in the last but one line, substitute the word 'tend' for the word 'end'.

In sub-clause (d), whether the words "States in friendly relations with Mysore" have to be included or not -- to be examined.

In the operative portion of Cl. 5, in sub-clause (ii), insert the words "has been demanded but" between the words 'security' and 'has' in the 1st line.

In the same sub-clause, the clause beginning with the words "and may also declare .....to be forfeited to Government" may be shown as a separate para so as to make its application to both class of cases in (i) and (ii).

This provision is intended evidently for some emergent action. Even as emergent action, you can keep the reserve power and also provide for an alternative. So we may say

"(ii) where security has been demanded but has not been deposited, call upon the party to deposit the security under Sec.4 (3), or declare the press to be forfeited to Government,

and may also declare all copies ....to beforfeited to Government."

The advisability of having a higher power without resorting to a lower power of demanding security to be considered. It may not be justified on its merits.

Mr. MIREL N. LAKSHMINARANAPPA.-They cannot forfeit the press unless they have taken the intermediate step of demanding a security. Sec. 5 deals with only cases where the security has been ordered. It does not apply to cases where deposit has not been ordered.

Mr. HAMILTON.-Section 5 does not seem to contemplate the main offence. Where no security has been ordered, and where the press has been declared without security, this won't apply. The object of the legislature should be easily understood. I suggest that in this case, you may provide for the demand of a security before thinking of forfeiting the press.

Mr. MIRLE.-This refers to cases where security has already been ordered to be deposited. Moreover, this does not apply to cases where a person has committed an offence which entails merely the forfeiture of security.

CHAIRMAN.-This point would be clearer if the wording in Cl. 5 (1) is made more specific by deleting the words "ordered to be" in line 3. The expression "ordered to be deposited" is very restrictive in its use. I think the principle of the bill is first to demand a security and then only at the last stage, think of forfeiture of the press.

The Section will have to be split up into two (1) dealing with cases where security has been deposited; and (2) dealing with cases where the deposit has been ordered but not deposited.

Mr. C. HAYAVADANA RAO.-Instead of forfeiting the entire press, why not say "the entire press or a part of the press", so that only commensurate punishment is provided for. There may be a press worth Rs.5 lakhs. There is no object in locking the whole press.

Sec. 5 (2).-In line 2, substitute the words "sub-section (i) or sub-section (ii), for the word sub-section (1).

Sec. 6 (1) & (2).- Whether the annulling of declaration under this Sec. will apply to both cases has to be further scrutinized. The Govt. Advocate holds that the forfeiture of security implied also the annulling of the declaration. He says: When once ~~the~~ you forfeit, it is no longer his property. But when it is given back, it is a gift. In any case, a fresh declaration has to be made in each case. They will apply ~~xxx~~ only to cases where security has been forfeited. ~~This xxxxxxx~~ In the other case where the press itself is forfeited, all his civil rights will be forfeited. So annulling of declaration has to apply toboth cases.

What is the effect of forfeiture of a press? Does it involve the loss of all property rights?

What is the legal significance when the Government gives it back? Does it not involve a return to status quo ante?

PROVISIONAL DECISION.- The title of the Bill may be kept as it is now.

The Select Committee will be glad to elicit opinion from select owners of news-papers and owners of printing presses. The Editor Tai Nadu, is expected to furnish a list. Mr. Hayavadana Rao also ~~p~~ has promised to give his suggestion in this behalf.

Abstract proceedings of the 2nd Meeting of the Select Committee on the Mysore Newspaper Bill, held in the First Member's Chambers on 9th December 1938.

Present.

1. Rajamantrapravina S.P.Rajagopalachari, B.A.B.L.(Chairman)
2. Khan Bahadur Mahomed Abbas Khan.
3. Rajacharitavisarada Rao Sahib C.HAYAVADANA RAO, B.A., B.L.,
4. Mr.P. Subbarama Chetty
5. Mr B.S. Puttaswamy, B.A., B.L.,
6. Mr. K.R.Subbannachar, B.A., LL.B.,
7. Mr. H. V. Ramasvami, B.A., B.L.,
8. Rajakaryaprasakta B.T. Kesavaiengar, B.A.,
9. Mr. Mirle N. Lakshminaranappa, B.A., LL.B.,

Absent.

Mr. F. A. Hamilton, C.I.E.,

The minutes of the previous meeting were read and confirmed.

Mr. K.R. SUBBANNACHAR enquired whether the Committee would be examining any witnesses such as the representatives of the Press as contemplated at the previous meeting.

The CHAIRMAN replied that the original idea was to invite two such representatives, viz., (1) Mr.P.R.Ramaiya, Editor of the "Tai Naud", and (2) a Member of the local Journalists' Association. But subseqquently, it was found that the former gentleman had an apprehension that if he came and gave evidence before the Committee, it would be taken as if he acquiesced in the enactment of the new Act and as such, he was not very keen about being examined by the Select Committee. As regards the Journalists' Association, it was already represented in the Committee by its President (Mr.C. Hayavadana Rao). Thus he said that the Select Committee were left to get on with out their ~~own unaided intellects and resources.~~ help.

The first 7 clauses which related to the Printing Press having been dealt with at the previous meeting, the remaining clauses were considered one by one.

Clauses 8 to 11 inclusive related purely to Newspapers.

Re. Cl. 8, Mr. P. SUBBARAMA CHETTY pointed out that under the existing Act, there was no provision for depositing a security by the publisher of a newspaper but such a provision had been included in the revised Act. At a time when the public and the press people were looking for a lenient legislation, the inclusion of this provision would make the Act more severe. He felt that no drastic provision which was not already found in the existing Act should be included and in that view, he suggested the dropping of Cl. 8.

The CHAIRMAN explained that the Bill was important in respects an improvement over the existing legislation. (1) First, the essence of the old Act was that permission of Govt. had tobe obtained before the publication of a newspaper; and this provision was dropped in the new Bill. Secondly, (2) the penalty of deportation fixed in certain cases under the existing Act had been deleted in the new Bill and imprisonment substituted therefor.

As regards the suggestion to drop cl. 8, the CHAIRMAN reminded the member that the Select Committee could not change the general principles of the bill which had been approved by the legislature, but that it was open to it to suggest improvement in any of the clauses to make the law less burdensome and less severe

A newspaper publisher making a declaration might be required by the Magistrate to deposit a security and if the former failed to do so, certain consequences would follow. If, after depositing the security, the newspaper printed any matter which was prohibited under Sec. 5 (1), then the security would be forfeited and fresh security could be demanded for continuing the publication of the newspaper.

Another redeeming feature in the Bill was that any order passed by the Government under the Act was open to appeal or revision by the High Court. This was a safeguarding provision.

The CHAIRMAN also drew pointed attention to the fact that the Bill closely followed the provisions of the British Indian Act which was in force in Congress provinces also.

Mr. P. SUBBARAMA CHETTY next put up a strong plea for mitigating the severity of the pecuniary penalties as also the initial deposit under Cl. 4, required from Printing Presses.

The CHAIRMAN observed that when a law was being framed for the safety of the State, the punishment provided for must be commensurate with the gravity of the offences committed. In that view, he said that the ends of justice could not be met by providing for a nominal fine in certain cases.

As regards Cl. 11 (2), Mr. C. HAYAVADANA RAO remarked that the effect of that sub-clause was to go back to a principle which was sought to be given up under the new bill, viz., of having to obtain Govt's permission for starting a newspaper.

Having once for all done away with that restriction imposed by Cl. 3 under the old law, he thought that the same principle should not be imported into the new bill in an indirect way. In that view, he urged for the deletion of Cl.11 (2).

The CHAIRMAN said that the principle in this clause had nothing to do with the principle of Cl. 3 according to which no newspaper could be started without the previous permission of Government. When the publisher of a newspaper had misbehaved a second time, the choice whether his fresh declaration for the third time should be accepted or not was left not to the Magistrate but to the Government. The difference between the two was very broad. The first one had laid down that no paper shall be started without the Government's permission; whereas in the proposed law just as it had been provided that Government alone could take action to order forfeiture of security (and not the Magistrate), similarly, whether his declaration for the third time should be accepted or not should be left to the Government.

Mr. HAYAVADANA RAO enquired if the forfeiture of his security on two previous occasions was not a sufficient penalty already undergone by him.

The CHAIRMAN replied that in times of excitement, even the forfeiture of security might not have the desired effect.

Mr. HAYAVADANA RAO again contended that when commensurate punishment had been already given for an offence, it would be unjust to inflict further punishment.

further punishment.

The CHAIRMAN thought that such a person deserved to be deprived of the right to publish a newspaper, just as a convicted person was deprived of the right of membership to Constitutional Bodies. His defence was that the Magistrate had no power to refuse registration; he could only demand a security. At a stage when a person convicted twice came up for making a fresh declaration, the question was whether he should be given automatically the power to declare again. It had been found sometimes that pecuniary penalties did not produce the desired effect. The object of this legislation being to control the newspapers, he asked whether Government could sit quiet without providing adequate safeguards in the new legislation.

By way of illustration, he instanced the case of "the Prajamatha" which had been appearing in the name of several editors as a result of the ban imposed on it by the Mysore Government, and added that in the case of an editor whose securities had been forfeited twice, if the same offence was repeated, there was every justification for requirin him to obtain the permission of Govt. for re-starting the paper.

Mr. HAYAVADANA RAO again remarked that the clauses dealing with both printing presses and newspapers were rather vicarious.

The CHAIRMAN corrected the member by explaining that two classes of cases were being dealt with under Cl. 12 to 15, viz., one was the printing press and the other the newspaper. The printing press whether it published a newspaper

or some other pamphlet or book might get into trouble. As for the newspaper, the Press and Registration of Books Act did not prescribe declaration either by the so-called owner or editor but by the publisher. The printing press was simply an agency which was hired for the purpose of printing and the prohibition under Section 12 might apply only in the matter of the Press printing a particularnewspaper.

Mr. HAYAVADANA RAO pointed out that in India in 99 % of the cases, the publisher of a newspaper was also the printer and certain newspapers also owned the press--the publisher of a newspaper qua printing press itself.

The CHAIRMAN replied that though the person might be one, he could be dealt with under two different Sections of the Act. But it was not a necessary concomitant for a newspaper man to own a press.

Mr. HAYAVADANA RAO still held to the view that the provision depriving the newspaper-man of the right of making a fresh declaration was too drastic and must be deleted. There was an Austrian tinge about it.

THE CHAIRMAN refuted the remark by pointing out that it was merely a transfer of the jurisdiction from the Magistrate to the Government so far as the declaration was concerned. He added that it was not correct to leave the law under inchoate state.

As a compromise, Mr. HAYAVADANA RAO proposed that after the lapse of one year, from the date of annullment, a further declaration might be allowed to the publisher that and sub-clause (2) might be modified suitably.

The CHAIRMAN replied that he was not convinced that the modification proposed was less drastic. Under the existing provision in the Bill, the limit of one year too might not be necessary as the Government might ~~xx~~ grant the permission within a few months after the annullment.

Mr. HAYAVADANA RAO said that his only objection was for bringing in the doctrine of permission of Government again by a converse way.

The CHAIRMAN enquired whether the member wanted to provide for a series of declarations before the Magistrate with increasing forfeitures of securities--putting fresh applications every time--and making the law ridiculous. If that was the member's feeling, he pointed out that he should have opposed the provision in the Legislative Council itself.

Mr. HAYAVADANA RAO replied that there was no need for Mysore to stick to the letter of the British Indian law, as the conditions under which it was framed in British India ~~was~~ were entirely different. He was only trying to moderate the provisions in the bill.

The CHAIRMAN observed that the Mysore law, if at all, must be more drastic considering the circumstances but that Govt. were content with the provisions as they were in British India. He was afraid that the effect of Mr. Hayavadana Rao's suggestion would give rise to series of action which from the administrative point of view would be undesirable.

The general sense of the Committee was to accept the clause as it was in the Bill.

Clause 12 (2)--Reference to 'permission of Govt. under section 3' to be deleted.

Clause 13 to Cl. 17---Approved.

Clause 18 (3).-Mr. P. SUBBARAMA CHETTY suggested that before forfeiting the press, an opportunity might be given to the keeper to correct himself.

The CHAIRMAN explained that these provisions were intended for times of emergency and sensation. A declared press could be bad enough and an unauthorised news-sheet printed in an undeclared press could do worse harm.

Clause 20.- Mr. P. SUBBARAMA CHETTY enquired why the editor and publisher be prosecuted and convicted in a court of law.

The CHAIRMAN replied that the seizure of the press, etc., was the first step preliminary to taking further action, and applied to newspaper, book, etc., wherever made.

Clause 21.- In answer to the Govt. Advocate the CHAIRMAN said that the implications of this clause might be examined more fully later on-- There were two Sections in the British Indian Act (1) to seize the article in the Customs House, and (2) to seize them in the Post Office before transmission. As it was understood that some of the North Indian States enjoyed some rights in this matter, the question needed to be examined separately.

Clause 23.- As regards the querry of the Govt. Advocate about the significance of the term

replied that it meant that the application would be heard by a Bench specially constituted by the Chief Justice considering the importance of the case, and that there was no convincing argument for deleting the word "Special" as suggested by him.

Clause 19.- Mr. C. HAYAVADANA RAO proposed the addition of the word "knowingly" in this clause so that any party acting bona fide might not be penalised. There were street lads entrusted with the distribution of newspapers, etc., who might know nothing of the unauthorised nature of the matter they were distributing and it would be a hardship to bring them under the clutches of the law for their ignorance of a fact. While admitting that one had to be careful in working the law, he said that bona fide mistakes should not be met with severe punishment.

The CHAIRMAN explained that if the above suggestion were adopted, the very object of preventing the circulation of unauthorized news-sheets would be frustrated. The people who wanted to disobey the law would organise their campaigns seeing the loop-holes. There need be no doubt that the Magistrate would be sufficiently careful in giving effect to the provisions of the law and very often would let off such street lads with a warning. Moreover, after evading all the provisions about declaration, security, etc., a person should not be left free to distribute unauthorised news-sheets.

Mr. K.R. SUBBANNACHAR said that each clause should not be considered apart from the setting of the entire Act. By reading it with the other clauses he did not see the necessity to add the word 'knowingly' as suggested.

Proceeding, Mr. SUBBANNACHAR suggested the addition of a ~~xxxxx~~ provision making it ~~xxxxxxxxx~~ obligatory on the part of the ~~correspondents~~ publishers of various outside papers finding circulation ~~xx~~ within the territory of Mysore to telegraph to the Government of Mysore an advance copy of the "Mysore news". Secondly, he also ~~xxxxxxxxx~~ wanted to provide for efficient control over the local correspondents of outside papers so that disciplinary action might be taken against them when they sent unauthorised news for publication.

The CHAIRMAN pointed out that Government had already the power to ban the entry of ~~xxx~~ any -paper into the State whenever circumstances warranted such a course. As regards the specific suggestion of the member, he said that it could be considered only if he could put it in the form of a clause which would come within the frame-work of the bill.

Clause 1.-The short title of the proposed Act was changed to read as "THE MYSORE PRESS AND NEWSPAPERS ACT, 1939."

The pecuniary penalties provided in the various clauses were altered as follows:

Initial Deposit/ Clauses 4+8 Five members of the Committee were in favour of retaining the maximum at Rs.1,000/- while 4 wanted to fix it at Rs.500/- (the Chairma not voting).

After further discussion, it was agreed to fix it at Rs.750/-.

First Offence.- Clauses 5 (1) & 9 (1) The bill provided for a minimum of Rs.500/- and a maximum of Rs.3,000/-. These figures were altered as Rs.500/- to Rs. 2,500/-.

Second Offence. Clause The existing minimum of Rs.1,000/- was retained and the maximum reduced from Rs.10,000/- to Rs. 7,500/-.

Before taking leave, Mr. K.R. SUBBANNACHAR & Khan Bahadur MAHOMED ABBAS KHAN expressed their grateful thanks and gratitude for all the good work done by the Chairman (Rajamantrapravina S.P. Rajagopalachari) ~~for the administration.~~ as a Member of Government. They felt that the Chairman had left an indelible mark on the administration.

Mr. S.P. RAJAGOPALACHARI thanked the members heartily for their good wishes.

The meeting ~~adjourned~~ came to a close at 5.10 P.M.

We the members of the Select Committee to which the Mysore Newspaper Bill was referred have considered the several clauses of the Bill and have now the honor to submit this, our report.

We recommend that the preamble may be changed as follows:-

" Whereas it is expedient to amend the law providing for the better control of the publication of newspapers and other printed works containing public news: it is hereby enacted as follows:-"

Clause 1 - The title of the Act may be changed into " the Mysore Press and Newspapers Act " to indicate the comprehensive nature of the Act.

Clause 2 - The Bill is intended to apply to matter published by any ~~means even though it may be written~~ method, including writing by hand or typewritten. To make this clear the words " whether printed, handwritten or typewritten " may be added at the end of sub clause (2).

Sub clause (10) may be changed as follows

" (10) "Undeclared press" means any press in respect of which there is not, for the time being, a valid declaration under Section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore. "

Clause 3 - This may be omitted and the subsequent clauses renumbered in view of the promise made by Govt in the Representative Assembly to the Leave C.

" 4 (1) Whenever it appears to the Government that any Printing Press in respect of which any security has been ordered to be deposited under Section 3, sub section (1) or (3) and has been so deposited, is used for the purpose of Printing ~~and~~ or publishing any newspaper, book or other document containing any words, signs or visible representations which

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence,

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or which tend directly or indirectly,

(c) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any Police Officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of

of land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or ~~xxxx~~ delay to do any ~~xxxx~~ ~~xxxxxxxx~~ act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

'(i) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in any Police Force, or to prejudice the training, discipline or administration, of any such ~~xxx xxxxxxxxxx xxx~~, force,

the Government may, by notice in writing to the keeper of such Printing Press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare such security or any portion thereof to be forfeited to Government.

Explanation (i) - No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub section unless it has the tendency described in clause (a).

Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iv) Words pointing out, without malicious intention and with

ith an honest view to their removal, matters which are producing r have a tendency to produce feelings of enmity or hatred between ifferent classes of His Majesty the King Emperor of India's or is Highness the Maharaja's subjects shall not be deemed to be ords of the nature described in clause (h) of this sub-ection.

(2) After the expiry of ten days from the date of the issue a notice under sub-section (1) declaring a security, or any ortion thereof, to be forfeited, the declaration made in espect of such press under Section 4, of the Press and Registra-ion of Books Act, 1867, as in force in Mysore, shall be deemed to e annulled.

(3) Whenever it appears to Government that any printing ress, in respect of which any security has been ordered to be eposited under Section 3 sub section (1) or (3) and has not een so depposited, is used for the purpose of Printing or Publish-ig any newspaper, book or other document containing any words gned or visible representations of the nature described in ction 4, sub section (1), the Government, by notice in writing the keeper of such Printing Press stating or describing such rds signs or visible representations which in its opinion ~~or~~ are the nature mentioned above, declare the Press to be forfeited Government.

(4) The Government may, in addition to forfeiting the deposit or any portion thereof under sub section (1), or forfeiting the Press ~~or any portion thereof~~ under sub section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government

Clause 12 (11 as renumbered) - In view of the omission of clause [illegible] any newspaper without the permission of the Government as required under Section 3 or after such permission has been withdrawn. " in sub clause (2) of this clause may be om

The amounts of securities specified in the bill were then considered and after some discussion ~~the Committee was~~ we were of opinion that some reduction might be made. We recommend that the amount of Rs one thousand specified in Clauses 4 (1) and 8 (1) may be reduced to Rs seven hundred and fifty, the maximum amount of three thousand in clauses 4 (3) and 8 (3) to Rs two thousand five hundred and the maximum amount of Rs ~~the~~ ten thousand in Clauses 6 (1) and 10 (1) to Rs seven thousand five hundred.

As the Bill has not been ~~ordered~~ materially ~~and~~ we recommend that it need not be republished.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193 .

Date of issue 20/12/38

Signed by Sd. A.S.R

List of enclosures ✓

Copied by .....

Examined by ✓

Section

File No.

Serial No.

No. P3140-9

~~To~~

Dear Sir,

I am desired to forward herewith copy of the report of the Select Committee on the Mysore Newspapers Bill and to request you to kindly return it with your approval at an early date.

Yours faithfully,

Sd/-

17/12

To

1) Rajaseva Paramasakthi Dr. B. T. Krishnaiyer B.A.

2) H. V. Ramaswamy Esq. Dr. B.A.B.L.

3) J. A. Hamilton Esq. C.I.E.

4) Mister N. Lakshminarayanappa Esq. B.A. B.L.B.

D. O. No. P3140-9/Genl

GENERAL AND REVENUE SECRETARIAT,

Bangalore, 19th December 1938
20

Dear Sir,

I am desired to forward herewith copy of the report of the Select Committee on the Mysore Newspapers Bill and to request you to kindly return it with your approval at an early date.

Yours sincerely,

Kesavaiengar

Returned attd
MS
21/12
21/12

Rajasevaprasakta
B.T.Kesavaiengar, Esq., B.A.,
Chief Secretary to Government,
Bangalore.

D.O. No. C. 642/38-39 Sulose.

82

F. A. HAMILTON, Esq., C.I.E.,
Inspector-General of Police
in Mysore.

BANGALORE

3RD JANUARY 1939.

3/1/39

Dear Sir,

I return herewith the report of the Select Committee on the Mysore Newspapers Bill sent with your D.O.letter No.P.3140-9 dated 20th December 1938, for my approval. I agree to the proposals made.

Yours sincerely,

F. A. Hamilton

To

A.Sundararaja Rao Esq., B.A.,B.L.,
Under Secretary to Government,
General & Revenue Secretarit,
Bangalore.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] method, including writing by hand [illegible]

[illegible]

[illegible]

[illegible] by Government [illegible] and the Legislative Council.

[illegible]

[illegible] 4 (b) [illegible] to [illegible] the [illegible] [illegible] [illegible]

[illegible]

(b) [illegible] a [illegible] [illegible] of a [illegible] of [illegible] [illegible] or to [illegible] of [illegible] [illegible] [illegible]

[illegible]

[illegible]

(a) [illegible] [illegible] [illegible]

[illegible] of [illegible] [illegible] to the [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [

To the members of the Joint Committee to which the Press Newspaper Bill was referred have considered the several clauses of the Bill and have the honor to submit this, our report.

We recommend that the preamble may be changed as follows:-

"Whereas it is expedient to amend the law providing for the better control of the publication of newspapers and other periodical works containing public news: it is hereby enacted as follows:-"

Clause 1.- The title of the Act may be changed into "The Printing Press and Newspapers Act" to indicate the comprehensive nature of the Act.

Clause 2.- The Bill is intended to apply to matter published, including writing by hand ~~[illegible]~~ or typewriting. To make this clear the words "whether printed, lithographed or typewritten" may be added at the end of sub clause (1).

Sub clause (10) may be changed as follows as

"(10) "Unlicensed press" means any press in respect of which there is not, for the time being, a valid licence under section 6 of the Press and Registration of Books Act, 1867, as in force in Ceylon."

Clause 3.- This may be omitted and the subsequent clauses renumbered in view of the proviso made by the Government in the representative assembly and the Legislative Council

Clause 4 - (3 as renumbered) - In sub-clause (a), in the clause for the words "in respect of which security under the provisions of this Act has not been required", substitute the words "in respect of which no security under the provisions of this Act has been required".

Clause 6 - (6 as renumbered) - In order to make the meaning clear it is desirable that sub clause (1) of this clause be split up into two sub clauses, one dealing with cases where security has been deposited, and the other dealing with cases where the deposit has been ordered, but not deposited. In accordance, we recommend that the clause may be altered as follows

follows:-

" 6 (1) Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under Section 5, sub section (1) or (3) and has been so deposited, is used for the purpose of printing publishing any newspaper, book or other document containing any words, signs or visible representations which

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or which tend directly or indirectly

(c) to seduce any officer, soldier, sailor or airman in the Mysore Military Forces or any police officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of

of land revenue, tax, rent, cess or other due or claim payable to government, or to any local authority, or any part of a land revenue land or anything recoverable as arrears of or along with land revenue, or

(c) to induce a public servant or a servant of a local authority, to do any act or to forbear or hinder doing to do any act connected with the exercise of his public functions or to restore his authority, or

(d) to procure feelings of enmity or hatred between different classes of the people, by any exercise of injury or fear or the threatening thereof, or

(e) to procure the withdrawal of persons to return to any of the foregoing illegal forces or to any public force, or to procure the training, discipline or administration of any such illegal force,

the person shall, by notice addressed to the keeper of such premises, from which or containing the words, signs or visible representations which in the opinion of the officer described above, disclose such act, or any portion thereof to be forfeited to government.

Explanation (1) - The expression of approval or admiration made in a disorderly or intemperate manner shall be deemed to be of the nature described in this sub-section unless it is the act described in clause (a).

(ii) Comments expressing

any government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the act or administrative or other action of the government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iv) Large publishing use, national emblem and information [illegible]

ch an honest view to their removal, matters which are proceeding have a tendency to produce feelings of enmity or hatred between ferent classes of His Majesty the King Emperor of India's or Highness the Maharaja's subjects shall not be deemed to be de of the nature described in clause (h) of this sub-section.

(5) After the expiry of ten days from the date of the issue a notice under sub-section (1) declaring a security, or any tion thereof, to be forfeited, the declaration made in pect of such press under section 4, of the Press and Registra- n of Books Act, 1867, as in force in Mysore, shall be deemed to cancelled.

(6) Whenever it appears to Government that any printing ess, in respect of which any security has been ordered to be cited under section 3 sub section (1) or (3) and has not n so deposited, is used for the purpose of printing or publish- any newspaper, book or other document containing any words ~~signs~~ or visible representations of the nature described in tion 4, sub section (1), the Government, by notice in writing the keeper of such printing press stating or describing such ds signs or visible representations which in its opinion ~~or~~ are of the nature mentioned above, declare the Press to be forfeited to Government.

(4) The Government may, in addition to forfeiting the deposit or any portion thereof under sub section (1), or forfeiting the Press ~~or any portion thereof~~ under sub section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government

Clause 12 (11 as renumbered) - In view of the omission of clause 3 the words " or Publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn. " in sub clause (6) of this clause may be omitted.

GENERAL AND REVENUE SECRETARIAT

D. O. No. P3140-9

Dated, Bangalore, 19th December 1938.
20.

Dear Sir,

I am desired to forward herewith copy of the report of the Select Committee on the Mysore Newspapers Bill and to request you to kindly return it with your approval at an early date.

Yours sincerely,

Khan Bahadur
Mr. Mohamed Abbas Khan

Dear Sir,
I am returning herewith duly approved the ~~both~~ draft report of the select Committee, received with the above.
Yours sincerely
Mohammed abbas Khan
22/Dec 1938

SELECT COMMITTEE REPORT.

To the members of the Select Committee to which the Mysore Newspaper Bill was referred have considered the several clauses of the Bill and have now the honor to submit this, our report.

To recommend that the preamble may be changed as follows:-

" Whereas it is expedient to amend the law providing for the better control of the publication of newspapers and other printed books containing public news: it is hereby enacted as follows:-"

Clause 1 - The title of the Act may be changed into " The Mysore Press and Newspapers Act " to indicate the comprehensive nature of the Act.

Clause 2 - The Bill is intended to apply to matter published by any method, including writing by hand ~~means even though it may be written~~ or typewriting. To make this clear the words " whether printed, handwritten or typewritten " may be added at the end of sub clause

Sub clause (10) may be changed as follows as

(10) "Undeclared press" means any press in which there is not, for the time being, a valid declaration under section 6 of the Press and Registration of Books Act, 1867, as in force in Mysore:

Clause 5 - This may be omitted and the subsequent clauses renumbered in view of the promise made by Government in the Representative

" 4 (1) Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under section 3, sub section (1) or (3) and has been so deposited, is used for the purpose of printing ~~and~~ or publishing any newspaper, book or other document containing any words, signs or visible representations which

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or which tend directly or indirectly,

(c) to seduce any officer, sailor, driver or follower in the Mysore Military Forces or any Police Officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to

of land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or ~~xxxx~~ delay to do any ~~xxxx~~ ~~xxxxxxxx~~ act not connected with the exercise of his public functions or to resign his office, ;

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

'(i) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in any Police Force, or to prejudice the training, discipline or administration, of any such ~~xxx xxxxxxxxxxx xxx~~ force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare such security or any portion thereof to be forfeited to Government.

Explanation (i) - No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iv) Words pointing out, without malicious intention and with

with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (h) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 6, of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be cancelled.

(3) Whenever it appears to Government that any printing press, in respect of which any security has been ordered to be deposited under section 5 sub section (1) or (3) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words signs or visible representations of the nature described in section 4, sub section (1), the Government, by notice in writing to the keeper of such printing press stating or describing such words signs or visible representations which in its opinion are of the nature mentioned above, declare the Press to be forfeited to Government.

(4) The Government may, in addition to forfeiting the deposit or any portion thereof under sub section (1), or forfeiting the Press ~~or any portion thereof~~ under sub section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government ".

Clause 14 (11 as renumbered) - In view of the omission of clause 3 the words " or ... publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been
clause may be omitted.

The amounts of securities specified in the bill were then considered and after some discussion ~~the committee was~~ we were of opinion that some reduction might be made. We recommend that the amount of Rs one thousand specified in Clauses 4 (1) and 8 (1) may be reduced to Rs seven hundred and fifty, the maximum amount of Rs three thousand in Clauses 4 (3) and 8 (3) to Rs two thousand five hundred and the maximum amount of Rs ten thousand in Clauses 9 (1) and 10 (1) to Rs seven thousand five hundred.

As the bill has not been ~~ordered~~ materially ~~and~~ altered we recommend that it need not be republished.

Mohammed Abbas Khan

99

Girimaji Rao,
M. L. C.
ಜಿ. ಗಿರಿಮಾಜಿರಾವ್, ಎಂ.ಎಲ್.ಸಿ.,
ಕೋಲಾರ.

KOLAR.

Date 21st Dec 1938

Dear Sir,

As requested by you I have herewith returned the Copy of the report of the Select Committee on the Mysore Newspapers Bill with being duly approved by me

Yours sincerely,
Gowar Rao

W 22.12

A. Sundara Raja Rao Esq B.A., B.L.,
Secretary
Mysore Legislative Council,
General and Revenue Secretariat
Bangalore

[illegible] the Joint Committee to which the Lyceum Newspaper Bill has been referred have considered the provisions of the Bill and have now the honor to submit this, our report.

We recommend that the provisions may be amended as follows:-

[illegible] It is expedient to amend the law providing for the [illegible] of the publication of newspapers and other periodicals containing public news. It is hereby enacted as follows:-

Short Title.- This Act may be cited as the [illegible] Newspapers Act [illegible] to be the corresponding [illegible] of the Act.

Clause 1.- The [illegible] method, including writing by hand [illegible] or by printing [illegible] the Bill after the words "[illegible] printed, [illegible] or [illegible]" may be added at the end of sub clause (2).

The clause (2) may be amended as follows:-

"(2) Unobjected proofs shall be prima facie evidence of such there is not, for the time being, a valid declaration under section 4 of the Press Emergency Declaration Act, 1967, as in force in Lyceum.

Clause 5.- This may be omitted and the subsequent clauses renumbered in view of the proposed amendment by Government and the Legislative Council.

Clause 6 - (3) as renumbered - In sub-clause (8) of this clause for the words "[illegible] in respect of which security under the provisions of this Act has been required", substitute the words "in respect of which no security under the provisions of this Act has been required".

Clause 9 - (4 as renumbered) - In order to make the meaning clear it is desirable that the clause (1) of this clause be split up into two clauses, one dealing with cases where the [illegible] has been ordered, and the other dealing with cases where the security has been ordered, but not forfeited. [illegible] is necessary to make the clauses in the nature of forfeiture -

(1) Whenever it appears to the Government that any remaining press in respect of which any security has been ordered to be deposited under Section 3, sub section (1) or (2) and has been so forfeited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or which tend directly or indirectly,

(c) to seduce any officer, soldier, sailor or airman in the Naval Military Forces or any Indian Police from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in India or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Kashmir, or to create disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Government, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to collect to any person any property or valuable security or to do any act which he is not legally bound to do, or to cause to do any act which he is legally entitled to do, or

(f) to encourage or induce any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of

local revenue, tax, rate, due or other due or amount payable to government, or to any local authority, or any part of such tax or rate, or

(c) to induce a public servant or a servant of a local authority to do, or to forbear or be in any way delay to do any act in connection with the exercise of his public functions to perform his office, or

(d) to promote disorder or ill-will between citizens or between the citizens and the Government or authority or the maintenance of a tolerable situation, or

(e) to prejudice the recreations of persons to serve in any Sub-Divisional Magistrate's Court or in any subordinate Court, or to impede the training, discipline or administration of any such a Government army, Navy.

Government army, Navy or Air Force in the keeping of such offending from claim or disability, the words, signs or visible representations which in the opinion are of the nature described are, that is such security or any portion thereof to be forfeited to Government.

Explanation (2) - No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub section unless it can be contained described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (e) of this sub-section.

with an honest view to their removal, matters which are prejudicial or have a tendency to produce feelings of enmity or hatred between different classes of the community the use, whether of words or the publication thereof, subject shall not be deemed to be words of the nature described in clause (b) of this sub-section.

(4) Where the expiry of ten days from the date of the issue of a notice under sub-section (2) declaring a newspaper, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4, of the Press and Registration of Books Act, 1867, as in force in Tyvero, shall be deemed to be annulled.

(5) Moreover it appears to Government that any printing press, in respect of which any security has been ordered to be deposited under section 3 sub section (1) or (3) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words signs or visible representations of the nature described in section 4, sub section (1), the Government, by notice in writing to the keeper of such printing press stating or describing such words signs or visible representations which in its opinion are of the nature mentioned above, declares the press to be forfeited to Government.

(6) The Government may, in addition to forfeiting the press or any portion thereof under sub section (1), or forfeiting the press ~~or any portion thereof~~ under sub section (5), also declare all copies of such newspaper, book or other document thereon found in Tyvero to be forfeited to Government.

Clause 12 (1) as revised : - In view of the additions of clause 3 the words " or to display any newspaper without the permission of the Government as required under section 3 or other document publication or book dissemination" in sub clause (a) of this clause may be omitted.

The amendments specified in the Bill were then considered and after some discussion ~~the committee was~~ we were of opinion that some reduction might be made. It recommended that the amount of one thousand Rs specified in Clauses 6 (1) and 8 (1) may be reduced to Rs seven hundred and fifty, the minimum amount of Rs 5 fixed in Clauses 6 (2) and 8 (1) to Rs three hundred and fifty rupees and the maximum amount of one lakh Rs fixed in Clauses 6 (1) and 8 (1) to Rs [illegible] lakhs.

As the Bill has not been ~~defaced~~ actually alter [illegible] that it need not be republished.

420 99 38/
105

In reply please refer to
No. 530

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, 23rd December 1938.

I am returning herewith, duly approved, the Report of the Select Committee on the Mysore Newspapers Bill sent with your D. O. letter No. P. 3140-9 dated the 19th/20th December 1938.

Yours sincerely,

A. Sundararaja Rao, Esq., B.A., B.L.,
Under-Secretary to Government,
Bangalore.

[illegible] committee to which the Press Newspaper (Ed) Bill was referred have considered the several clauses of the Bill and have the honour to submit this, our report.

In regard to the preamble they have amended as follows:-

"Whereas it is expedient to amend the law providing for the better control of the publication of newspapers and other publications [illegible] it is hereby enacted [illegible]"

Clause 1 - The title of the Act may be changed into "The Newspapers Act" to indicate the comprehensive nature of the Act.

Clause 2 - The Act is intended to apply to other publications by the same method, including writing by hand ~~[illegible]~~ or typewriting. To make this clear the words "whether printed, lithographed or typewritten" may be added at the end of sub clause (D)

The clauses (E) may be changed as follows as

"(E) Unless a proclamation has been made under section 6 of the Press Act, 1907, by the Governor in Council" [illegible] which there is not, for the time being, a valid [illegible] under section 6 of the Press Act, 1907, by the Governor in Council in force in Cyprus

Clause 3 -

remembered in view of the present note by the Government in the Representative Assembly and the Legislature

Clause 4 - (3 as renumbered) - In sub-clause (D) of the [illegible] [illegible] of which clearly under the [illegible] [illegible] "[illegible] made [illegible] [illegible] which the [illegible] [illegible] required".

Clause 6 - (6 as renumbered) - In order to make [illegible] clear it is desirable that sub clause (1) of this clause [illegible] clause, the division, [illegible] [illegible] [illegible]

follows:-

" 4 (1) Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under Section 3, sub section (1) or (3) and has been so deposited, is used for the purpose of printing ~~and~~ or publishing any newspaper, book or other document containing any words, signs or visible representations which

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or which tend directly or indirectly,

(c) to induce any officer, soldier, driver or follower in the Mysore Military Forces or any Police Officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments; or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of

of land revenue, tax, rate, cess or other sum or amount payable to government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(c) to induce a public servant or a servant of a local authority, to do any act or to forbear or unduly delay to do any act in connection with the exercise of his public functions or to misuse his office, or

(d) to promote feelings of enmity or hatred between different classes of the people, the Sovereign, Government of India or the Princes and Chiefs of India, or

(e) to prejudice the recruitment of persons to serve in any of the Indian Military, Naval or Air Force, or to prejudice any training, discipline or administration of any such Military, Naval or Air Force,

the Government may, by notice in writing to the keeper of such printing press or publishing house, signed or verified by a gazetted officer in the opinion of the nature described above, declare such account, or any portion thereof to be forfeited to Government.

Explanation (1) - No expression of opinion or advocacy in a historical or literary work shall be deemed to be of the nature described in this sub section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iv) Words pointing out, without malicious intention and with

with an honest view to their removal, matters which are production, or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Feudatory's subjects shall not be deemed to be words of the nature described in clause (b) of this sub-section.

(3) After the expiry of ten days from the date of the issue of a notice under sub-section (2) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4, of the press and the letter-press of books Act, 1867, as in force in Burma, shall be deemed to be cancelled.

(3) Moreover if it appears to Government that any printing press, in respect of which any security has been ordered to be deposited under section 3 sub section (1) or (2) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words signs or visible representations of the nature described in section 4, sub section (1), the Government, by notice in writing to the keeper of such printing press stating, or describing such words signs or visible representations which in its opinion are of the nature mentioned above, declare the press to be forfeited to Government.

(4) The Government may, in addition to forfeiting the deposit or any portion thereof under sub section (1), or forfeiting the press ~~or any portion thereof~~ under sub section (3), also declare all copies of such newspapers, books or other documents wherever found in Burma to be forfeited to Government

Clause 12 (11 as renumbered) - In view of the omission of clause 3 the words " or publishes A any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn. " in sub clause (1) of this clause may be omitted.

The amounts of securities specified in the bill were then considered and after some discussion ~~the committee was~~ we were of opinion that some reduction might be made. We recommend that the amount of Rs one thousand specified in clauses 6 (1) and 8 (1) may be reduced to Rs seven hundred and fifty, the minimum amount of Rs three thousand in clauses 6 (3) and 8 (4) to Rs two hundred and five rupees and the minimum amount of Rs ten thousand in clauses 6 (5) and 10 (1) to Rs seven thousand five hundred.

As the bill has not been ~~amended~~ altered materially ~~and~~ we recommend that it need not be republished.

C. Krishnamachari
22nd Dec '49

4208/38

Hole - Navoipur
25.12.38

Dear Sir,

I have returned the copy of the Select Committee's Report with my approval subject to the Hole-Lawrence lines

[illegible]
[illegible]

To

The Secretary
Legislative Council
Bangalore

To the members of the select committee to which the Cyprus Newspaper Bill has been referred have considered the several clauses of the Bill and have now the honor to submit this, our report.

We recommend that the preamble may be changed as follows:-

" Whereas it is expedient to amend the law providing for the better control of the publication of newspapers and other periodical works containing public news: It is hereby enacted as follows:-"

Clause 1.- The title of the Act may be changed into " The Cyprus Press and Newspapers Act " to indicate the comprehensive nature of the Act.

Clause 2.- The Bill is intended to apply to matter published by any means ~~even though it may be written~~ method, including writing by hand or typewriting

Sub clause (10) may be changed as follows:-

" (10) "Undeclared proof" means any proof in respect of which there is not, for the time being, a valid declaration under section 6 of the Press and Publication of Books, etc. Law, in force in Cyprus.

Clause 3.- This may be retained and the amendments mentioned in view of the previous and in the representations adopted by the Legislative Council.

Clause 4 - (3 as renumbered) - In sub-clause (3) of this clause for the words " in respect of which security under the provisions of this Act has not been required ", substitute the words " in respect of which no security under the provisions of this Act has been required ".

Clause 5 - (4 as renumbered) - In order to make the meaning clear it is suggested that sub clause (3) of this clause be split up into two sub clauses, one dealing with cases where deposits have been deposited, and the other dealing with cases where the deposits have not been, but not deposited. It is also suggested that the clause may be altered as follows -

4 (1) Whenever it appears to the Government that any [illegible] in respect of which any security has been ordered to be deposited under Section 3, sub section (1) or (3) and has been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or extenuation of any such offence, or of any person, body or association, who has committed or is alleged or reputed to have committed any such offence, or which tend directly or indirectly,

(c) to induce any officer, soldier, sailor or airman in the Naval Military Forces or any Police officer from his allegiance or his duty, or

(d) to bring into hatred or contempt the majesty the King Emperor of India, or the Governor General, or the Governor of any Province in British India and in the territories of Indian States the Maharaja, or the administration of justice in any place or any class or section of the majesty the King Emperor of India or the Governor General's allegiance in British India or the Maharaja's allegiance in any State, or to create disaffection towards the majesty the King Emperor of India or the Governor General or the said Government or the Maharaja or the said Government, or

(e) to put any person in fear or to cause danger to life and liberty including the to compel or to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of

of land revenue, tax, rent, cess or other dues or amount payable to government, or to any local authority, or any kind of agricultural land or certain necessaries in excess of or contrary to law, or

(c) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public duties or to misuse his office, or

(d) to provoke breaches of order or hatred between different classes of the society, the king, emperor or sovereign or the national government, or

(e) to prejudice the recruitment of persons to serve in any of the Indian military forces or in any police force, or to prejudice the training, discipline or administration of any such Government and force,

the Government may, by notice in writing to the keeper of such printing press obtain or distribute the certificate, order or other communications which in his opinion are of the nature described, declare such security or any portion thereof to be forfeited to Government.

Explanation (2) - In expression of approval of application into an historical or literary work shall be deemed to be of the nature described in this sub section unless it has the tendency described in clause (a)

(ii) Comments expressing disapprobation of the measures of the government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d. of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iv) Pointing out, without exciting or attempting to excite hatred

with an honest view to their removal, writers which are practical or have a tendency to promote decision of cases, or introd[illegible] different phases of the subject, the time, character or [illegible] of the [illegible] shall not be deemed to be [illegible] of the [illegible] contained in clause (b) of this sub-section.

(3) Where the origin of the case from the date of the decree of a court under sub-section (2), contains a statement, or the [illegible] to be [illegible]. The determination made in [illegible] of such [illegible] under section 6, of the [illegible] and [illegible] of India Act, 1907, as in force in Burma, shall be deemed to be [illegible].

(4) Nothing in [illegible] to [illegible] shall [illegible] prevent, in respect of cases [illegible] has been ordered to be [illegible] under section 5 and section (2) or (3), and has not [illegible], in good for the purpose of [illegible] or [illegible], such or other document containing any [illegible] or visible representations of the matter described in section 4, sub section (2). The [illegible] to notice in writing to the [illegible] [illegible] or describing such [illegible] or visible representations which in the opinion are of the [illegible] as [illegible] above, claiming the [illegible] to be forfeited to government.

(5) The government may, in addition to forfeiting the [illegible] of any portion thereof under sub section (2), or forfeiting the [illegible] ~~of any portion thereof~~ under sub section (3), also declare the [illegible] of such newspaper, book or other document wherever found in Burma to be forfeited to government.

Clause 12 (1) as amended [illegible] = As then of the calculation of clause 3 the words " or [illegible] any newspaper which the [illegible] of the government to forfeit under section 3 or after such [illegible] has been withdrawn. " in sub clause (a) of clause [illegible] be omitted.

[illegible] of [illegible] specified in the Bill were than [illegible] and after [illegible] the ~~the [illegible]~~ use under of cyanide [illegible] production [illegible]. It is recommended that the amount of one thousand Rs specified in Clauses 6 (1) and 6 (1) may be reduced to Rs [illegible] and fifty, the penalty amount of three thousand Rs in Clauses 6 (2) and 6 (3) to two thousand five hundred and the [illegible] amount of Rs ten thousand in Clauses 6 (1) and 16 (2) to Rs seven thousand five hundred.

As the Bill has not been ~~amended~~ altered materially ~~and~~ to recommend it it need not be republished.

P. Subbarama Chetty, M.L.C.,
Director The Bank of Mysore Ltd.,
Municipal Councillor.

CHICKPET.

Bangalore City, 23rd, Dec, 1938.

To

The Secretary,
The Mysore Legislative Council
B_A_N_G_A_L_O_R_E.

Dear Sir,

I am returning herewith enclosed copy of the Report of the Select Committee on the Mysore News papers Bill and also copy of the Cigarette Tobacco Safeguarding Bill, duly approved. Please acknowledge the receipt and oblige.

Encls.2

Yours faithfully,
P. Subbarama

Mr. A.V. Kristna Murti, B.A., B.Com.,
~~M.X.D.Srinivasa Iyengar, B.A.,~~
Asst. Registrar of Joint Stock Companies
in Mysore.

NEW PUBLIC OFFICES,

Dated Bangalore, the 3rd January *1939*.

D.O.No.C.590/38-39.

Sundararaja Rao,

I am desired to send herewith the copy of the report of the Select Committee on the Mysore Newspapers Bill, forwarded with your D.O. letter No.P.3140-9, dated the 19th/20th December 1938. The Report has been approved by the Registrar of Joint Stock Companies.

Yours sincerely,

A V Krishnamurthy

To

A. Sundararaja Rao, Esquire, B.A., B.L.,
Under Secretary to Government,
Law Department,
BANGALORE.

GENERAL AND REVENUE SECRETARIAT.

Bangalore, 19th December 1938

20

Dear Sir,

I am desired to forward herewith copy of the report of the Select Committee on the Mysore Newspapers Bill and to request you to kindly return it with your approval at an early date.

Yours sincerely,

H.V.Ramasvami, Esq., M.A., B.L.,
Excise Commissioner in Mysore,
Bangalore.

Returned with compliments
Only approved
H.V.Ramasvami
3.1.39

3.1.39

To the members of the Select Committee to which the Mysore Newspaper Bill was referred have considered the several clauses of the Bill and have now the honor to submit this, our report.

We recommend that the preamble may be changed as follows:-

" Whereas it is expedient to amend the law providing for the better control of the publication of newspapers and other printed works containing public news: it is hereby enacted as follows:-"

Clause 1 - The title of the Act may be changed into " the Mysore Press and Newspapers Act " to indicate the comprehensive nature of the Act.

Clause 2 - The Bill is intended to apply to matter published by any method, including writing by hand ~~means even though it may be written~~ or typewritten. To make this clear the words " whether printed, handwritten or typewritten " may be added at the end of sub clause (1).

Sub clause (10) may be changed as follows as

" (10) "Undeclared press" means any press in respect of which there is not, for the time being, a valid declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore. "

Clause 3 - This may be omitted and the subsequent clauses renumbered in view of the practice made by Government in the Representative Assembly and the Legislative Council

Clause 4 - (3 as renumbered) - In sub-clause (5) of this clause for the words " in respect of which security under the provision of this Act has not been required ", substitute the words " in respect of which no security under the provisions of this Act has been required ".

Clause 5 - (4 as renumbered) - In order to make the meaning clear it is desirable that sub clause (1) of this clause is split up into two sub clauses, one dealing with cases where security has been deposited, and the other dealing with cases where the deposit has been ordered, but not deposited. We accordingly recommend that the clause may be altered as follows:-

follows:-

" 4 (1) Whenever it appears to the Government that any Printing Press in respect of which any security has been ordered to be deposited under section 3, sub section (1) or (3) and has been so deposited, is used for the purpose of Printing ~~and~~ or publishing any newspaper, book or other document containing any words, signs or visible representations which

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or which tend directly or indirectly,

(c) to seduce any officer, sotar, driver or follower in the Mysore Military Forces or any Police Officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of

of land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or ~~xxxx~~ delay to do any ~~xxxx~~ ~~xxxxxxxx~~ act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

(i) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in any Police Force, or to prejudice the training, discipline or administration of any such ~~the Government any~~, force,

the Government may, by notice in writing to the keeper of such printing Press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare such security or any portion thereof to be forfeited to Government.

Explanation (i) - No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section

(iv) Words pointing out, without

with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (h) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under Section 4, of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

(3) Whenever it appears to Government that any printing press, in respect of which any security has been ordered to be deposited under Section 3 sub section (1) or (3) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words signs or visible representations of the nature described in Section 4, sub section (1), the Government, by notice in writing to the Keeper of such Printing Press stating or describing such words signs or visible representations which in its opinion ~~or~~ are of the nature mentioned above, declare the Press to be forfeited to Government.

(4) The Government may, in addition to forfeiting the deposit or any portion thereof under sub section (1), or forfeiting the Press ~~or any portion thereof~~ under sub section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government ".

Clause 12 (11 as renumbered) - In view of the omission of clause 3 the words " or Publishes any newspaper without the permission of the Government as required under Section 3 or after such perpission has been withdrawn. " in sub clause (2) of this clause may be omitted.

The amounts of securities specified in the bill were then considered and after some discussion ~~the Committee was~~ we were of opinion that some reduction ~~might~~ be made. We recommend that the amount of Rs one thousand specified in Clauses 4 (1) and 8 (1) may be reduced to Rs seven hundred and fifty, the maximum amount of Rs three thousand in clauses 4 (3) and 8 (3) to Rs two thousand five hundred and the maximum amount of Rs ten thousand in Clauses 6 (1) and 10 (1) to Rs seven thousand five hundred.

As the Bill has not been ~~amended~~ altered materially ~~and~~ we recommend that it need not be republished.

OFFICE OF THE SECRETARY
22 DEC. 1938
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL.

Bangalore City,
22nd December 1938

To
The Secretary,
R.A. & Legislative Council,
Public Offices,
Bangalore

Dear Sir,

With reference to your letter No. D.O.P.3140-9 dated 19/20th December 38, I am enclosing herewith the report of the Select Committee on the Mysore Newspapers Bill duly approved. Kindly own receipt of the same.

Yours sincerely,

Appendix F G—1]

SUBJECT .....

.....

.....

Section

File No.

Serial N

D.O. No. P3361-3

Diary No. of letter replied to.....

~~To~~

Dear Sir,

General and Revenue Secretariat

( )

the *193*

I am desired to invite reference to my D.O letter no P3140-9 & 20-12-38 forwarding for approval the report of the select committee ~~for your approval~~ and to request you to kindly return it with your approval by return of post.

Date of issue 29/12/38

Signed by Mr. A.S.R.

List of enclosures.....

Yours sincerely

29-1-2

Copied by .....

Sd/- V. Ramaswamy

Examined by.....

~~Sd/- A. Ramaswamy~~

B. S. Puttaswamy

B.A., B.

P. R. Ramaswamy

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

P.5113-26- Dated Bangalore the 28th March 1939

L.O.

OFFICIAL MEMORANDUM.

A meeting of the Select Committee appointed to consider the Mysore Newspapers Bill will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore at 1 P.M. on ~~Monday~~ and ~~Tuesday~~ Wednesday the ~~4th~~ and 5th April 1939.

By Ord

Draft) for Secretary to the Committe

To

The Members of the Committee.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. PS113-26 Dated, Bangalore, 28th March 1939

Official Memorandum.

A meeting of the Select Committee appointed to consider the Newspaper Bill will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore at 1 pm on Monday and Tuesday the 3rd & 4th April 1939.

By Order,

BXR

y to the Committee.

To

Members, the Select Committee
P.A. to the First Member
L.C. Office
O.B. for kindly arranging seats

Government of His Highness the Maharaja of Mysore.

Home and Revenue Secretariat.

5143-57 Dated Bangalore the 26th March 1938.

The meeting of the Select Committee appointed to consider the Mysore Newspapers Bill will be held at 1 p.m. on Tuesday and Wednesday the 4th and 5th April 1938 and not on the 3rd and 4th as intimated already.

By Order,

BKR

for Secretary to the Committee.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Secretariat

General and Revenue Secretariat

No. P 5188-5201 Dated, Bangalore, 18th April 1939

Official Memorandum.

The meeting of the Select Committee appointed to consider the Mysore Newspapers Bill will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore at 1 pm on Friday the 28th April 1939, instead of on the 4th and April as intimated already

By Order,

1.4

Secretary to the Committee.

To

Members of the Select Committee

Copy to (1) P. A. to the 1st Member

(2) R. C. Office

(3) O.B. for kindly arranging seats & lunch

The meeting of the Select Committee appointed to consider the Mysore Newspapers Bill will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore at 1 P.M. on Friday the 28th April 1939, instead of on the 4th and 5th April as intimated already

Sir,

I beg to submit with this a note on "Controlling the Press" for favour of your placing it before the esteemed Chairman of the Select Committee on the Newspapers Bill. I shall thank you for also circulating copies of the note among members of the Select Committee, with the Chairman's kind permission.

An extra copy of the note is enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

W. V. Gundappa

Member of the Select Committee.

Submitted for perusal & orders
The meeting of the S.C is fixed
on the 28th inst.
In this note Mr Gundappa has
suggested a new bill different
from the one under consideration
There is no provision in the rules
for circulating such notes to other
members of the S.C. If Mr Gundappa
so desire he may send them himself
He is at liberty to express his views
in the meeting.

The principal feature of the existing Act (Act of 1908) is that it requires (Sec.2) the taking of the Government's permission before a paper is started.

The principal feature of the Bill now before the Legislative Council is that it authorizes the requiring (Sec.3) of a security for good behaviour before a paper is started. Both alike take their stand on a presumption of the likelihood of mischief by a paper not yet born into the world. The difference between the two demands is not of an essential kind either. The condition of a security deposit is nothing but another incarnation of the condition of previous permission from the Government. The demand for a heavy security is in effect the same thing as the denial of permission. There is yet another aspect of the matter:

A newspaper is an instrument of citizenship; and as such, it should be within the reach of the poorest of our fellow-citizens if he be otherwise competent. To make its availability to him conditional on his ability to furnish a security deposit is to deny it to one whose financial resources are limited to the bare requirements of the business part of it. If the person be one who would start a paper in the confidence that his own skill and ability as journalist could enable it to win popularity sufficient to pay its expenses, the security condition would clearly be an obstacle in his path. If, in addition, he is a man with a political reputation of some degree of pungency, the obstacle is sure to become formidable. And if the Magistrate happens to be a man of an extra-cautious temperament, the obstacle is sure to prove truly insuperable.

no less valuable, to be rendered by journals that are content to remain poor, placing their independence above their circulation and advertisement revenue. To pass a la that prevents the birth of such journals is to put an em embargo on the salt that can purify and preserve.

It is also pertinent to recall the circumstances of the origin of that British Indian enactment whose lineal descendant is the prototype of the legislation now proposed in Mysore. British Indian legislation for restricting the freedom of the Press began with Lord Minto's Act I of 191 which was actuated frankly by the fear of "an anarchical conspiracy waging war against British and Indian communit alike." This was succeeded by Act XXIII of 1931, whose object, according to the preamble itself, was "to provid against the publication of matter inciting to or encourag ing murder or violence". This was replaced by the Crimina Law Amendment Act of 1935. The declared common purpose of all these measures is to arrest propaganda helpful to organized movements of physical violence and murderous revolution. The existence of such a movement is not suspe ed in any quarter in Mysore; and the British Indian model is therefore emphatically not fo

possible that the masses of the population may also react in their own way, on the gross material plane, to the polemical stimuli offered by the newspapers; and the ~~xxxx~~ results of such concrete reactions may well be social unsettlement and disturbance to the public order. If the legislature therefore thinks it necessary at such a time, in the interests of social order and public peace, to make it possible for the Executive, in its own discretion, to initiate action against the Press with a view to preventing or arresting propaganda feared or suspected as one likely to lead to serious civil disorder and social disruption, the legislature would be entitled to pass a measure of that kind -- provided it restricts the Executive's right to the laying of a complaint before an independent tribunal. It is not easy for any one to feel absolutely certain as to the intent or tendency of an article in a newspaper; and in any case, such precaution as is humanly possible against the possibility of injustice will not have been taken if the suspicions or apprehensions of the Executive are left to prevail unquestioned and unverified. It is only when a judge, by his own separate process of enqui and reasoning, has independently come to the same opinic as the complainant-Executive that final action should be possible affecting a newspaper.

The suspension or cancellation of one person's declaration by another seems at first sight a strange and untenable proceeding. A declaration is a statement made by a person of a fact relating to himself; and that fact ~~ks~~ cannot possibly be altered or abolished by another person, unless it be that this other person has some control over the former. In the case on hand, the declaration made by the Editor etc., is not a purely voluntary act, but one required by law; and that same law further requires that the declaration so made shou be attested or authenticated by the Magistrate before whom it is made. Without this attestation of the Magistrate, the declaration cannot be complete and valid; and this condition may be taken to imply some measure of magisterial control over the process of declaration. When the Magistrate "suspends" a declaration made befo him, he simply cancels his own attestation, whereupon that declaration, even though not explicitly cancelled by its author, will cease to count in law. In other wo the Magistrate's attestation is virtually a licence or permission granted by him. The difference, then, betwe the old 1908 method of the Government's previous permi and the method of Suspensible Declaration suggested in this note is just this:--that the operative authority in the old system is the Executive while in the new it is Judicial. This, as above pointed out, is a difference of vital significance to the Press and the citizen.

It is recognized that the Bill now before the Select Committee insists on declarations by the printer etc., taking for its basis the Act of 1867. (Whether the Editor and the Proprietor should also be brought into the Bill is not the first issue. Devising the proper modus is the first issue and determining the incidence is th The objectionable features of the Bill are (1) Security Deposit clause and (2) the clause whic
power

It is considered that the intention of the Government ~~xxxxxxxxx~~ in seeking new legislation is to create the means for dealing -- not with actual offences, but with what may be the potential offences. so to say, of the Press, that is - with symptoms of a tendency towards offences.

12. For actual offences, that is for offences already committed, there is sufficient provision to be found in the Penal Code, particularly in Chapters VI, VII, and VIII (Of Offences against the State and against the Public Tranquillity). To these provisions is added that of the Criminal Procedure Code, Sec. 108 (Security for ood Behaviour). There is no conceivable offence that annot be effectively dealt with under these provisions. t is not thought that the Government would seek to arm tself with a second set of weapons to be used against ie same category of committed offence.

There would be some justification, as already sumitted, or the Government's wishing to forge a new weapon if only iat weapon is to be used to check ~~tendencies~~ tendencies towards ffences of the kind made punishable by the Indian Penal ode (as distinguished from the offences themselves), that s, tendencies which, if left unchecked in their incipient tages, may reasonably be presumed to lead to social trife and civil disorder in times of grave sensitive-

15. There are three ways of bringing about the needdd legislation:

(1) Amending the Press Declaration and Books Registration Act (No. XXV) of 1867,

(2) Amending the Code of Criminal Procedure,

(3) Framing a new measure.

Perhaps the last course -- -- -- preferred as it is simpler. But if either of the other two courses is agreed upon, there will not be much difficulty in suitably phrasing and dovetailing the new provisions into the old Act or Code. The essential thing is to decide the scheme of provisions.

(8) Pending the enquiry consequent upon the issue of such notice the Distt. Magistrate may, if so requested by the complainant, issue an order immediately suspending the declaration of the editor etc., in respect of the paper complained against, for any period before or up to the closing of the enquiry, setting forth in that order the reasons why he considers such immediate suspension necessary.

(9) The procedure in the enquiry shall, as far as possible, be similar to that prescribed for Summons cases in the Criminal Procedure Code (Sec. 241 et seqq.); and the orders of the Magistrate will be subject to the appellate jurisdiction of the High Court.

(10) At the close of the inquiry, the Distt. Magistrate may --

(a) set aside the complaint and restore the declaration if it had been suspended;

(b) warn the editor etc., and restore the declaration if it had been suspended; or

(c) cancel the declaration for a period not

after its cancellation, shall be liable to punishment with fine or imprisonment or bo

(14) Any person who prints or publishes a paper in respect of which there is no declaration in force made by the editor and the proprietor shall be liable to punishment with fine or imprisonment or both.

5) When a declaration has been cancelled by the Distt. Magistrate, and if the matter has been taken in appeal, when the High Court has confirmed the cancella - tion, the person concerned shall not resume his work as etc. of the paper concerned unless he has made a new declaration in respect of that paper.

(In all these proposals, a "declaration" is to be taken as one duly authenticated by the Magistrate.)

The present writer is convinced that legislation on these s will suffice for the limited purposes which the Govt. in view (and more than which it is not necessary for the to keep in view)--namely,

(i) the instant stopping of undesirable propaganda, and

(ii) the creation in the mind of the press of the salutary sense that there is a law to notice and check even premonitions of recklessness on its part.

ent suspensions or cancellations of the declarations and consequent stoppages of publication are bound to affect business strength and stability of the paper and so to eve the very purpose which heavy security deposits are cted to serve.

r the press-man, there is the guarantee that action wil aken not by the party aggrieved, viz. the Executive of

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MYSORE JOURNALISTS' ASSOCIATION

SESHADRI MEMORIAL HALL
CUBBON PARK
BANGALORE

Dated 28th April 39.

The Secretary,
R.A. and L.C.,
Public Offices,
Bangalore.

Dear sir,

I am directed by the Managing Committee of the Mysore Journalists' Association to place the following few facts before the Chairman and Members of the Select Committee on the Mysore News Papers Bill.

The Mysore Journalists' Association understands that the Select Committee on the Mysore News Papers Bill will meet today to consider the various provisions of the bill.

In this connection the Mysore Journalists' Association hopes that ampl oppurtunities will be provided to variot organisations and persons concerned (including the Mysore Journalists' Association) to place their views and suggestion before the Committee.

The Association takes necessary steps to do the needful in this connection when it hears from the Committee.

Yes for personal board.

28

D. V. Gundappa

Member, Mysore Legislative Council

Nagasandra Road, Basavangudi,

Bangalore City

April 28, 1939

The Secretary,

Mysore Legislative Council,

Bangalore.

Sir,

I request you may be so good as to favour me with the following as early as possible:

(1) A list of the names of members of the enlarged Select Committee on the Newspapers Bill;

(2) A copy of the proceedings of the last meeting of the Legislative Council,—at least that part of it which contains the discussions on the Newspapers Bill;

(3) Information as to ~~the~~ which version of the Newspapers Bill ~~which~~ is to be taken as the basis for discussions hereafter,—whether it is the text as at first introduced or in the form in which it emerge from the previous Select Committ

(I want this information in order to know how to draft my amendments.

(4) A copy of the British Indian Criminal Law Amendment Act of 1935 which the present Mysore Newspapers Bill is said (in the Statement of Objects and Reasons) "closely" to "follow

(5) Information as to the probable date of the next meeting of the Select Committee.

Thanking you in anticipation of the favours,

I have the honour to be,
~~Your~~ Sir,
Your most obedient servant,

D. V. Gundappa

Member of the Select Commit on the Newspapers Bill.

P.S. — I shall be much obliged by your kindly abidging to circulate copies of my note on "Controlling the Press" among members of the Select Committee.

D.V.G.

N o t e.

It was at one time considered whether nitial security contemplated in clauses 3 and of the Press Bill by the Keeper of the Press nd the Publisher of the newspaper should not e done away with and the security demanded nly when they published objectionable matters eferred to in clause 4(1). There are certain ifficulties in allowing a free declaration at he initial stage itself. Under clauses 3 and , in cases where the Magistrate, for reasons o be recorded in writing, is of opinion that he Keeper of the Press or the Publisher of newspaper has got to furnish security he ay insist on security being furnished before he declaration is made. If such a restriction s removed, even if a known obnoxious person omes forward and makes a declaration, the Magistrate will have to allow the declaration and llow him either to keep the press or to publish a newspaper. Such a man will undoubtedly ndulge in objectionable articles being printed or published and the Magistrate or the Government will have to wait till some of the articles are published before taking any further action. This would defeat the very purpose for which the present Press Act is intended. Even granting that a free declaration is allowed to be made, if the Government were to demand a security under the circumstances mentioned in ~~Sections~~ Clauses 3 and 7, the person who made the declaration may disappear and put forward another dummy printer or publisher who may indulge in printing and publishing

and publishing such articles. Government will then have no opportunity of demanding the security contemplated in these provisions. One after another, such dummy persons might come forward and defeat the purposes of this Act.

One of the objects of this Bill is to prevent undesirable persons keeping the Press or publishing any paper. That very wholesome object will be defeated. The object of this Bill is also preventive rather than punitive. If a free declaration is allowed, the whole frame-work of the Bill will have to be considerably changed. It is therefore best to leave the Bill as it is, if necessary giving relief in the amounts of security to be demanded. The Select Committee has already reduced the amounts of security required under clauses 3(1), 3(3), 5(1), 7(1), 7(3) and 9(1). If even the reduced amounts are considered to be rather high, and they do appear to be high, a further reduction in the sums may be made as noted in the statement kept below:-

With regard to the note of Mr. D.V. Gundappa raising objections to the very frame-work of the Bill as proposed and suggesting a new Bill of his own, it is seen that there are objectionable features in the Bill as proposed by him. Mr. Gundappa's objections to the existing Bill are mainly as follows:--

1. The condition of security deposit is nothing but another incarnation of the condition of previous permission from the Government as found in the existing Newspapers Act.

2. Demanding a heavy security is tantamount

in suitable cases may suspend the declaration made by such a person before a Magistrate and proceed to hold an enquiry. If after the enquiry, the District Magistrate is satisfied that the paper has got the tendency referred to above, the declaration may be cancelled. The order of the District Magistrate is liable to be appealed to the High Court. He concedes that a declaration by such persons is necessary before starting any paper and that publication without such a declaration or after cancellation of the declaration is an offence. The very purposes which Mr. Gundappa has in view have been dealt with in our proposed Bill. A larger number of circumstances under which the Government might demand a security from the printer and the publisher of a newspaper as stated in Clause I are found in our Bill. We have got to make provisions

(1) to prevent incitement and encouraging of commission of any offence of murder or any cognisable offence involving violence:

(2) to prevent seducing an officer or a man of the Military and the Police Forces:

(3) to prevent the spread of hatred or contempt to His Majesty the King Emperor or His Highness the Maharaja;

(4) to prevent from putting any person in fear or to cause annoyance to him to induce him to deliver to any person any property or valuable security, etc.,

The cubrous procedure suggested by Mr. Gundappa in the matter of holding an enquiry before the declaration is annulled cannot meet theremergent requirements of the Executive authority. Before the enquiry is completed, the newspaper may spread much more propaganda of the nature prescribed in Clause 4 and defeat the very purposes for which an enquiry is intended. Since the declaration proposed is a free one, even if any known obnoxious person comes forward as a Keeper of the Press or a Publisher of a paper, the Magistrate feels helpless and cannot refuse the declaration. It is accepted on all hands that a certain amount of control is necessary with regard to such persons. It is not the Magistrate nor the District Magistrate that knows when a security has got to be demanded or what tendencies of the paper require -- interference of the Government. Government are the best judges and in suitable cases they must require security from such persons as a sort of warning in the first instance. When the warning is not heeded, the security has to be raised. Even then if the Keeper of the Press and the Publisher of the paper do not correct themselves the security or the Press must be forfeited in the interests of peace and tranquillity. Mr. Gundappa's Bill does not provide for any such safeguards. In the existing Bill, much more elaborate provisions has been made for testing the validity of the order requiring Security or forfeiture and the highest Court of Justice in the land is made the appellate authority.

Any person aggrived by the order of the Government might go to that Court. Even there a Special Bench is constituted to test the validity of the orders passed by the Government.

It seems therefore desirable to retain the existing Bill as it is, slightly modifying the amounts required as deposits or security.

So far as Editors and Proprietors are concerned, the Press and Registration of Books Act of 1877 as amended in British India makes provision for the control of the Editor and the Proprietor of the Press. Our Act has not been amended to bring such provisions into effect here. Steps will be taken to see that these provisions are embodied in our Act in due course.

amendments.

moho..

In ~~et~~ the Bill as amended by the Select Committee

(1) in Clause 3 (1) for Rs 750/= substitute Rs 375/=

(2) in the proviso to the said sub-clause for Rs 2500/= substitute Rs 1250/=

(3) In sub clause (3) ~~of~~ the said clause for Rs 2500/= substitute Rs 1250/=

(4) In sub clause (1) of clause 5 for Rs 7500/= substitute Rs 3750/=

(5) In sub clause (1) of Clause 7 for Rs 750/= substitute Rs 375/=

(6) In the proviso to the said sub-clause for Rs 2500/= substitute Rs 1250/=

7) In sub clause (3) of the said Clause for Rs 2500/= substitute Rs 1250/=

(8) In sub clause (1) of Clause 9 for Rs 7500/= substitute Rs 3750/

Clause.	amount in	amended by the Select Committee
3 (1)	Rs 1000	Rs 750/=
3 (1) proviso	Rs 3000/=	Rs 2500/=
3 (3)	Rs 3000/=	Rs 2500/=
5 (1)	Rs 10,000/=	Rs 7500/=
7 (1)	Rs 1000/=	Rs 750/=
7 (1) Proviso	Rs 3000/=	Rs 2500/=
7 (3)	Rs 3000/=	Rs 2500/=
9 (1)	Rs 10,000/=	Rs 7500/=

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Do. No. P 6046-58 Dated, Bangalore, 16th May 1939

Official Memorandum.

A meeting of the Select Committee appointed to consider the Mysore Newspaper Bill will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore at 1 pm on Thursday the 25th May 1939.

By Order,

Secretary to the Committee.

To Members of the Committee

Copy to

(1) P.A. to Member

(2) R.A. & L.C. Office

(3) OB for arranging seats & lunch

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

XXX.No.P.6046-59 Dated,16th May 1939.

OFFICIAL MEMORANDUM.

A Meeting of the Select Committee appointed to consider the Mysore Newspapers Bill will be held in the Chambers of the First Member of Council, Old Public Offices Buildings, Bangalore at 1 P.M. on Thursday the 25th May 1939.

By Order,

16.5

Secretary to the Committee.

To

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

NKE.No.P.6046-59 Dated,16th May 1939.

OFFICIAL MEMORANDUM.

A Meeting of the Select Committee appointed to consider the Mysore Newspapers Bill will be held in the Chambers of the First Member of Council, Old Public Offices Buildings, Bangalore at 1 P.M. on Thursday the 25th May 1939.

By Order

Secretary to the Committee

To

The Members of the Select Committee.

D.O. no. P6079/Leg3/

16th May 1939.

Dear Sir,

I am desired to invite reference to your letter dated the 28th April 1939 and to enclose herewith the list of the names of the members of the enlarged Select Committee, a copy of the British Indian Press Act and a proof copy of the proceedings of the Legislative Council on the Press Bill.

The Press Bill as it emerged from the previous Select Committee will be the basis of discussion.

The next date of the Select Committee will be intimated to you in due course.

With regard to your request to circulate copies of your Note to the members of the Select Committee, I am to state that your Note and the Bill have alrea been read out in the Committee for the information of the members. However if any member wants copy

A. SUNDARARAJA RAO, B.A., B.L.,
Under Secretary to Government.

GENERAL AND REVENUE SECRETARIAT,

Bangalore, 2nd May 1939.

D. O.

Dear Sir,

I am desired to invite reference to your letter dated the 28th April 1939 and to enclose herewith the list of the names of the members of the enlarged Select Committee, a copy of the British Indian Press Act and a proof copy of the proceedings of the Legislative -- Council on the Press Bill.

The Press Bill as it emerged from the previous Select Committee will be the basis of discussion.

The next date of the Select Committee will be intimated to you in due course.

With regard to your request to circulate copies of your Note to the members of the Select Committee, I am state that ~~it does not appear to be necessary to do so as~~ that your Note and the Bill have already been read out in

Appendix F G—1]

SUBJECT.....

.....

.....

Section

File No.

Serial No. 45476

Diary No. of letter replied to .....

No. P6157-60

To The Editor

[Tai'vadu, Viswakarnataka, Al Kalam, Vrittantapatrika]

General and Revenue Secretariat

( )

the *193*

Date of issue 22/8/38

Signed by Mr. A. S. R.

Sir,

I am directed to state that the Select Committee appointed to consider the Mysore Newspapers Bill will be glad to hear your views on the provisions of the Bill on the 25th instant at 1 P.m. in the Chamber of the First Member of Council Public Office Buildings, Bangalore

List of enclosures.....

I have etc

Secretary to the Committee

Copied by.....

Examined by.....

The President,
The Mysore Journalists Association,
Seshadri Memorial Hall, Cubbon Park,
Bangalore.

I am directed to acknowledge the receipt of your letter dated 28th April 1939 and to state that the Select Committee appointed to consider the Mysore Press and Newspapers Bill will be glad to hear the views of your Association on the provisions of the Bill. A member of your Association may kindly be deputed for this purpose. The meeting of the Select Committee has been fixed at 1 P.M. on the 25th instant in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore.

I have the honor to be,
Sir,
Your most obedient servant,

22-5-

Secretary to the Committee.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 22/5/39

Signed by Mr. A.S.R

List of enclosures .....

The meeting of the S.C has been fixed at 1 P.M.

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. P 6161

To The President

The Mysore Journalists' Association
Sesharri Memorial Hall. Cubbon Park

Sir,

I am directed to acknowledge the receipt of your letter ~~no~~ dated 28.4.39 ~~dated~~ and to state that the Select Committee appointed to consider the Mysore Newspapers Bill will be glad to hear the views of your association on the provisions of the Bill. ~~Though~~ ~~representative~~ ~~duly instructed~~ ~~you~~ ~~may~~ ~~kindly be expected~~ ~~for the group~~ ~~Association~~ ~~on the 25th inst at~~ ~~1 P.M.~~ ~~in the Chambers of the first~~ ~~Member of Council, Public Office Buildings~~ ~~Bangalore~~

~~member of Government~~

at the 25th inst

WD 0278—GPB—30,000—4-3-38

I have etc

Secretary to the Committee

16/

METHODIST MISSION
VANI VILAS ROAD
MYSORE CITY
May 23, 1939.

Office of the Secretary,
Representative Assembly and Legislative Council,
Bangalore.

No/ 24.5.39

Sir,

I have the honour to thank you for your letter of May 22, inviting me to come to the Select Committee appointed to consider the Mysore Press and Newspapers Bill and to express my views on the provisions of the Bill on May 25 at 1 P.M. in the Chambers of the First Member of Council. I regret to say that I shall not be able to leave Mysore next Thursday, the 25th, as I am tied by work here. I have already written to the Secretary of the Press Association of this State in the matter of this Bill, and doubtless he will be making some statement on views that have been communicated to him.

I have the honour to be,

Sir,

Your most obedient servant,

W E Boulinson

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TELEPHONE : 2322

VISVAKARNATAKA

PRINTING AND PUBLISHING COMPANY, LIMITED.

T. T. SHARMAN,
MANAGING DIRECTOR
&
EDITOR-IN-CHIEF.

23, EAST ROAD
VISVESWARAPURAM
BANGALORE CITY

OFFICE OF THE
SECRETARY OF COUNCIL
MAY 25 1939
No. 9341

24th May 1939.

The Secretary,
Representative Assembly and Legislative Council
BANGALORE.

Dear Sir,

I acknowledge with thanks your letter No.P.6157 dated the 22nd May 1939 inviting me to express my views on the Press Bill before the Select Committee. I would have gladly responded to it but for my illness (Neurites). I am in bed these five months unable to move about. Therefore, I have enclosed herein a short Note I had sent to the Mysore Journalists Association. It expresses my views on the Bill. Kindly convey to the Chairman and members of the Committee my grateful thanks.

Yours truly,
T. Sharman

Encl. one.

Submitted for perusal

Note sent by Mr. T. T. Sharman, Editor, "Viswakarnataka" on the News Papers Bill.

'Model Mysore' and 'Regulation III of 1908' do not go togetl much less the News Bill. It is a measure which denies Primary rights of a citizen besides considering him to be a potential danger. This attitude of the Government is directly traceable to its sense of 'distrust' of its subjects. It does not serve any useful purpose to go into the history of Regulation III of 190 It is a measure which has been universally condemned by the people A peep into the proceedings of the R.A. or L.C. these 10-15 years would convince anybody that the representatives of the people have been pressing upon the government the imperative need for the rep of this unwanted measure. They have repeatedly ~~stated~~ stated that this measure is hanging on the heads of Journalists like the 'Swor of Democles' that the measure stunts the healthy growth of journalism in the state and more than all, ~~it~~ destroys an instrument whi moulds public opinion

Government afte[illegible] realised the justice of the plea and appointed a Committee of officials and non-officials some years back. The Committee submitted its report and the Government prepared a Bill based on the recommendations made by the ~~sa~~ said Committee. For reasons best known to themselves the Government did not proceed with the measure. It was buried deeply.

Recently, government took upon themselves the task of preparing a Bill. What they did was to merely copy the British Indian Enactment of 1934. In fact it is a copy word for word of the British Indian Press Law of 1910. The British Government, and the people of British India stand on a different footing from the people of Mysore and their Government. There is a sense of the rulers and the ruled in British India. Whereas in Mysore the interests of the people and the Government are practically identical. Necessarily in British India, a measure of the kind would be conceived in very severe terms and would attack the rights of the citizens rudely But why should the Government of Mysore, adopt a measure which is the outcome of an attitude which is full of suspicion and fear?.

In Mysore the people are peace loving and they are known for their steadfast loyalty. They are patriotic too. They also desire to have some political rights; but there are no subversive activities, no revolutionary organisations, and no organised decoities and looting. These were directly the considerations which prompted the Government of India to frame the severe measure under reference. That was in 1910. Conditions in India were entirely different from what they are now. Under these circumstances what justification can Mysore Government have to copy that old Draconian measure and attempt to place it in the Statute Book in 1939?

Journalism in Mysore is still in its infancy. Men of influence and capitalists are not attracted to it. Only a few enthusiasts are coming forward to take this profession imbued with a spirit of service and sacrifice. Their path must be made easy and smooth. They must find encouragement all round. Authorities should be generous and show sufficient sympathy. More than all they should not distrust them and consider them to be undesirables. "Trust begets trust" is an old saying. A policy of confidence would certainly make the relationship between the Press and the Government more sweet, more helpful.

Journalists in Mysore are struggling to maintain the high traditions and the honour and dignity that attaches to the profession. They are persuing Patriotic and Constructive policies. Compare Mysore Journals with the best papers elsewhere either in British India or Indian States. They stand equal to if not superior to the best amongst them.

I have no desire to examine in detail the various sections of the new Bill that is before the Legislature. The security sections in the Bill are certainly very severe, and they do not help to build up a healthy profession in Mysore. Journalists and Publishersof journals should be treated like ordinary citizens and only Penal laws applicable to them should be applicable to the members of this Profession. It is not convincing why the Authority should forge a special measure to deal with journalists. This is an attitude which converts journalists into a

I request ~~he~~ the government of Mysore not to proceed with this Bill. ~~H~~ There is no necessity for a separate measure to deal with journalists at all. Various sections ~~of~~ ~~the~~ of the Indian Penal Code cover the whole ground. I urge upon the Government again that they should give up persuing this measure. That is the wish of all people in Mysore who have the interests of this profession at heart.

Extraordinary situations might arise. Expeditious measures may have to be adopted. Government may find it very difficult to act. Therefore, a measure of the kind is necessary is one of the arguments advanced in support of the measure. Appriciate the difficulty under such circumstances. As I have already hinted there ~~would be~~ is little room for anybody imagine that in Mysore there would be any upheaval which would necessitate extraordinary measures. There would be no extraordinary situations in Mysore because people are loyal to a degree. Even admitting a situation would arise it is much easier to deal with it because His Highness the Maharaja is the source of laws. The Government might invoke His Highness to issue a Proclamation and deal with the situation immediately. It is not necessary therefore, to frame measures ~~such~~ such as the one under reference to meet extraordinary situations.

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TELEGRAMS: "TAINADU"
TELEPHONE: 2033.

Tainadu

LEADING KANNADA DAILY

PROPRIETOR:
P. R. RAMAIYA. B. SC.

Bangalore City 25-5-1939

To

The Secretary,
Mysore Legislative Council,
BANGALORE.

Dear Sir,

As I am indisposed I am so very sorry that I cannot utilise the privilege of appearing before the Select Committee to express my views on the provisions of the Mysore Newspaper Bill. I hope you will intimate my inability to the worthy Preside and also to the members of the Select Committee. I am sure the Committee will sit once again when I shall make my views avaliable.

Nevertheless my views are well known to the members of the Committee. As we have expressed so many times in our leading columns we do not like a fettered press in Mysore. The Newspapers which are very few here are living a precarious existence with no capital, no reserve fund, no prospect of getting on. They have only one healthy feature to fall back upon that is their abundant loyalty to the throne of H.H. the Maharaja. I hope the Select Committee will realise this. In a State like Mysore I do not think the Newspapers will go wrong and even if they swerve from the path of good conduct the ordinary law of the land is quite adequate to meet the needs.

In the circumstances I humbly beg to submit that the Government will do well to withdraw the present measure and thereby win the admiration of the Press in Mysore.

MYSORE NEWSPAPER BILL.

Memorandum submitted
By The
Mysore Journalists Association.
Bangalore
to the
Select Committee on th
on May 25, 1939.

The Mysore Journalists Association convened a meeting its members and a few gentlemen interested in the profession o Journalism on 9th May to consider the Bill now before the Mysore Legislative Council.

At the meeting the question was discussed at full leng in all its aspects and the meeting came unanimously to the following conclusions: (1) That Government should be requested to declare immediately the complete and unqualified repeal of Act III of 1908; (2) that Government should be requested also to withdraw the Bill now before the Legislative Council; and (that in cases of emergency, the Government may be requested to adopt the'Conference method', in order to secure non-publicati of matter which they consider objectionable.

In order to represent the above views and the other vie expressed in the course of the discussions at that meeting, a sub-committee consisting of Messrs. P.R.Ramaiya, B.Sc., K.S.Rama swami, B.A.,B.L., A. Nanjunda Rao, B.A., and N.S. Venkobarao, B.A. was appointed with power to prepare a memorandum on the subject and submit it to the Select Committee.

The present memorandum is in pursuance of that resolution and seeks to set forth briefly the reasons for the conclusions.

The case against the Act III of 1908 has been stated again and again during the last 30 years and we therefore see r need to repeat those arguments. In the very fact of Government having attempted to substitute it by another measure shows that Government have generally accepted the case for the abolition o the 1908 Act. To state the matter briefly, this Act has been a source of great dread to Editors and Proprietors of Newspapers. The fear that the license may be withdrawn at any moment has be to make their business a precarious one. It is dissuading men of money and talent from taking up journalism as a profession. Not only is the ~~xxx~~ criticism of Government measures timid and feeble, but the businessside of newspapers is also suffering fo want ~~ta~~ of capital and enterprise, these being discouraged by the ~~xxxxxxxxxxxx~~ circumstance of precariousness imposed by the Act. This Act is based on an unjust and unjustifiable presumption made against Newspapers that they start their careers only with mischievous intent and that therefore a guaranatee for good behaviour should be taken from them before they are born into the world. In all civilised countries, it is now an established notion that subjecting the Press to license laws would be to make it servile and to that extent useless for the very purpose which is its chief justification.

The same arguments apply to the draft Bill now propose Indeed, it is not different from the 1908 Act except in name. The Security Deposit is substituted for a previous permission. This does not materially alter the position for an Editor or Proprietor. The fear of being asked to furnish security will operate against Editors' ~~xxxxxxxxxxxx~~ sense of freedom just as

effectively as the old fear of license being withdrawn.

While thus the new measure makes no improvement ~~from~~ on the isting law, from the Newspapers' point of view, it even makes ings more difficult in that it demands a money deposit. The sition is thus rendered positively worse. Under the proposed w, the Editor is apt to lose money in addition to the license.

The Mysore Journalists Association ventures to think tha ere is really no need for any special law to control the Press. e Newspapers in Mysore have, on the whole, been scrupulously yal to the Ruling House of Mysore at all times. Even in their iticisms of Government and administrative measures, the news- pers have generally shown great self-restraint and moderation. ey have never closed their columns to matter furnished by vernment and their agencies and they have never displayed an itude that can fairly be described as one of deliberate or ermined hostility. The papers have also been singularly free m writings calculated to stir up class hatred or communal ill ling. In every sense, the Newspapers may claim that their duct has been one of conscientious regard for the best inter the State and of hearty deference to the authority of Governm s being the case, the Mysore Journalists Association does not l persuaded that there is any need for a special measure to se control on Newspapers in Mysore.

We have also to point out that ample powers are available overnment under the existing laws. We would mention in parti r the following: (a) Chapters VI, VII and VIII Indian Penal ; (b) Section 108 Cr.P.Code; (c) Section 144 Cr.P.C : and (d) ion 39 of the Mysore Police Act. We ~~cannot~~ can concieve of no

Press offence and no tendency to any Press offence which cannot dealt with under any one or another of the above provisions of l

The requirement of security for good behaviour made possib under Sec. 108 Cr.P.C and the prevention of publication made pos sible under Section 144 Cr.P.C should be sufficient for all occa sions of emergency.

These provisions have, as a matter of fact, been put to us occasionally both in our State and elsewhere.

The more appropriate remedy, in our humble opinion, for occasions of emergency would be that of instructing the District Magistrate to summon the Editors of Newspapers to a conference and discussing with them the details of the matter that has aris for consideration. As already explained, the attitude of the Newspapers in Mysore towards the Government has always been one c sympathy and helpfulness, consistently with their duties to the public. No Newspaper has ever given publicity wantonly to writin of an objectionable kind. If at any time matter of an objectiona kind has found its way into the Press, that is entirely because of the impossibility for the Editor to make a detailed enquiry into the matter without delaying publication. It is wellknown that a newspaper man has got to work against time. News has got to be published at the earliest moment possible. The conditions competition and the interest of the reading public make it impera tive that the Editor should not delay publication of news unneces sarily. Working in a hurry therefore, he is sometimes helpless as against incorrect reports. This however, is not to be ascribed to any malign intention on his part. It may be pointed out in this connection that in times of great public excitement, it is very hard for any one to find out the exact truth. It is not seldom that errors and inaccuracies have cropped into the communiques issued

by the Government itself on such occasions. It is not a newspaper correspondent alone that exaggerates. If he exaggerates at all, he has got to act on such information as is available to him on the spot. He does not possess the ample agency for enquiry and scrutiny which the Government can command. Occasional error is thus an unavoidable incident to newspaper work and the consequences of such occasional error can be set right by means of a friendly exchange of information and views between the authorities and the Pressmen.

We would confidently assure Government that in times of public excitement and emergency, the Newspaper men in Mysore will not be found to be lacking in readiness to listen to Government's version of a matter, to appreciate its difficulties and to desist from publishing matter which is likely to inflame public feeling or lead to breaches of the Peace.

It is only in cases where the 'conference method' has failed, that the provisions of law mentioned may be used.

Holding these views, we are unable to view with favour the proposal to enact any new law to control the Press in Mysore. We shall be grateful to the Select Committee for taking a sympathetic view of the matter in view of the considerations above set forth and recommending to the Legislative Council that the Bill be not proceeded with.

Proceedings of the 2nd meeting of the Select Committee on the Mysore Newspapers held in the First Member's Chambers on 25th May 1939.

PRESENT.

1. Rajamantrapravina N.Madhava Rau, B.A.B.L., (Chairman)
2. Mr. H. V. Ramaswamy, M.A., B.L.,
3. Rajasevaprasaktha B.T. Kesavaiengar,.....,
4. Mr. Mirle N. Lakshminaranappa, B.A., B.L.,
5. Rajacharitavisarada Rao Sahib C.Hayavadana Rao, B.A., B.L.,
6. Khan Bahadur Md. Abbas Khan
7. Mr. K.R. Subbannachar, B.A., LL.B.,
8. Mr. G. Girimaji Rao
9. Mr. Belur Srinivasa Iyengar, B.A., B.L.,
10. Mr. H.B. Gundappa, B.A., B.L.,
11. Mr. D.H. Chandrasekharaiya, B.A., LL.B.,
12. Mr. D. V. Gundappa

Absent.

1. Mr. B.S. Puttaswamy, B.A., B.L.,
2. " P. Subbarama Chetty.

The CHAIRMAN mentioned that in response to his invitation certain journalists had come to give evidence before the Select Committee. He suggested that it would be better for the Committee to come to an undertstanding about the points to be elicited from them ~~before taking~~ in the course of their examination.

It was agreed that the examination of these witnesses be confined to the provisions of the Bill and that there was no need to str to the ethics of the problem.

Thereupon, ~~the examination of~~ Mr. P.R. Ramaiya, B.Sc., Editor of the "Tai Nadu" was ~~taken~~ examined on the following points:

CHAIRMAN.-Mr. Ramaiya, the Committee will be glad to ascertain your views as an Editor so far as the Newspapers Bill is concerned.

Witness: I have come here as a representative of the Mysore Journalists' Association. The Association considered the provisions of this bill some time back and have passed certain resolutions which have been embodied in a Memorandum which I wish to present to this Committee.

CHAIRMAN.-If you give one copy, we shall have it circulated among the members.

WITNESS then read out the resolutions passed by the Association as also the Memorandum referred to by him.

(Here enter the typed script.)

In brief, the Witness was of opinion that there was no need for any special legislation to control newspapers in Mysore.

He pointed out that ample powers were available to the Go..... under the existing laws to effectually control the Press. The requirement of security for good behaviour made possible under Sec.s 144 Cr.P.C. should be sufficient for all occasions of emergency. These provisions had, as a matter of fact, been put to use occasionally both in Mysore and elsewhere.

The WITNESS next drew the attention of the Select Committee to the recent utterances of Sir Samuel Hoare, Home Secretary, at the Annual Dinner of the Newspaper Society on May 2, wherein he had stated: "I would rather have the criticism of a free press than the adulation of a kept press. Even in war time, I should like to see the censorship work upon lines that are in harmony with our general conception that the Press should occupy in our national life as an independent bulwark of the public moral."

The Association in its memorandum stated that the members were unable to view with favour the proposal to enact any new law to control the Press in Mysore. The newspapers in Mysore had, on the whole, been scrupulously loyal to the Ruling House of Mysore at all times. Even in their criticisms of Government and administrative measures, the newspapers "have generally shown great self-restraint and moderation. They have never closed their columns to matter furnished by the Government or their agencies and they have never displayed an attitude that can fairly be described as one of deliberate or determined hostility. The papers have also been singularly free from writings calculated to stir up class hatred or communal ill-feeling. In every sense, the newspapers in Mysore may claim that their conduct has been one of conscientious regard for the best interest of the State and of hearty deference to the authority of Government. This being the case the Mysore Journalists' Association do not feel persuaded that there is any need for a special measure to impose control on newspapers in Mysore."

Continuing, Mr. P.R. RAMAIYA said that for occasions of emergency, instead of demanding security, a more appropriate method would be to summon the editors ofnewspapers to a conference and discuss the matter that might have arisen for consideration. No newspaper in Mysore had given publicity wantonly to writings of objectionable kind. "If in spite of it, things have appeared, it is because of the impossibility of getting correction information at times. The editor cannot delay publication of news. He has to act on the information available to him on the spot. Occasionally errors become inevitable. These things could be minimised by a friendly exchange of views between the editors and the authorities. The authorities should not assign any malign intention on the part of the editors for any act of commission or omission. The editors would not be lacking in spirit to listen to the Government version. "

In times of excitement, the difficulty is all the more to find out correct information.

"I have not studied the new Newspaper Bill very closely. But those who have done it say that it is modelled on the 1910 Act of the Govt.of India. This latter Act was repealed in 1912 in British India itself. There was a committee presided over by Sir Tej Bahadur Sapru to consider the question whether that Act should be repealed or not and that Committee unanimously resolved that the 1910 Act ought to go. And accordingly that Act was repealed in 1922. That is a matter of history. Thus the press became free in British India and a good number of newspapers cropped up. Again in 1921 due to the Civil Disobedience movement, there was the introduction of Ordinances and later on came the Criminal Law Amendment Act.

These can be understood to be war measures because the British Indian Govt. was at war then with the Indian National Congress. Whereas here in Mysore we have no such thing. Sometimes there might have been some small disturbances when there might have been some vehement expressions of opinions. But from my own experience I can say that all these years whenever Govt. made a friendly appeal to me (and I think to other newspaper men also), we have acted in the best interests of the country There might have been some difference of opinion. I may also mention that Govt. have sometimes felt that the press ought to express its independent views and that they need not always echo the Govt's views or something to that effect.

The new bill now under consideration, I find, has been modelled on the 1910 Act of British India. Seeing that the British Indian Act itself has been repealed, there is no need for enacting it here.

Mr. K.R.SUBBANNACHAR.-Is there no Act to control the Press in British India now?

WITNESS.-Yes, you have got the Criminal Law Amendment Act.

Mr. K.R. SUBBANNACHAR.-Please consider this aspect. Is not the present bill very much milder than that Act?//The Criminal Law Amendment Act is a very omnibus Act. It controls everything. It was enacted in times of emergency. No such emergency exists here. Even ~~as regards~~ in British India, there has been a persistent agitation for repealing that Act. No doubt this law has been put in force in certain Congress Provinces. I understand that this point has been brought to the notice of the Legislative Council by Mr. D.V. Gundappa. So I need not labour that point further.

Suffice it to say that there is no need for a special legislation to control the press.

CHAIRMAN.-Since you do not feel the need for this bill at all, there is not much on which we can question you, I am afraid.

Mr. BELUR SRINIVASA IYENGAR.-Were there not occasions on which Govt. have taken away the permission granted to some publishers of newspapers to edit their papers?

WITNESS.-Yes, you yourself have criticised the Govt. that they were wrong in doing so.

Mr. BELUR S. IYENGAR.-Assuming for purposes of argument that circumstances come into existence in which a paper indulges in writings calculated to stir up communal ill-feeling, is it or is it not necessary for the Govt. to have some Press Act to prevent such a thing happening ? The other day the Govt. exercised the power vested in them under the existing Act and withdrew the licences.

WITNESS.-According to my opinion, Govt. were wrong in withdrawing the licence. They might have invited the editors and arrived at an understanding by the consultative method. The human frailties are to be found in every one--in you, the Govt., the press reporters and newspaper editors. When we press people speak for the nation and for the masses, the Govt. should feel that other people also are honest and responsible. I admit that when we deviate from that path, then you can apply the provisions of the Penal Code and other laws. You have Sections 124 A, Sec. 153 and so on.

Mr. BELUR S. IYENGAR.-But those are xxxxxxxxxx Sections which provide for punishing offences after they are committed. Can you tell me any section of the Criminal Procedure Code which can prevent the commission of such offence?

WITNESS.-Speaking from a common-sense point of view, you anticipate a disease, a preventive and all that. For example, there is the plague. It is only after the appearance of some symptoms of plague that you resort to some action. Similarly on xxxx special occasions, these sections help you.

GOVT. ADVOCATE.-There is the incident of rat falls which puts us on guard about the impending plague. What is it that corresponds to that here?

WITNESS.-The existing penal law is quite enough to prevent dangers happening.

GOVT.ADVOCATE.-But those laws do not prevent the crimes but provide for punishing the man who commits the offence.

Mr. BELUR S. IYENGAR.-The press is xxxx so powerful and the news it publishes xxxxxx circulates so rapidly, that the Govt. are prevented from exercising the powers vested in them under Sections 108 & 109 in the interests of peace at the proper time. WITNESS.-The provision already existing in the Code is sufficient for the purpose. If that is not enough, it can be provided for by means of amendments to the Codal rules.

Mr. BELUR S. IYENGAR.-Assuming that there are some lacunae, will there be xxxxxx sufficient ground to prevent legislation on this matter?

WITNESS.-I, as a journalist, feel that I can be left very safely in a free country to be able to render meritorious service.

Mr. K.R. SUBBANNACHAR.-Don't you think that a journalist has some more responsibilities and that his liabilities are greater than those of an ordinary citizen?

WITNESS.-For that very reason, I think there should be less of law.

Mr. K.R.S. ACHAR.-Do not ~~A~~ journalists belong to a particular profession like lawyers? Have not lawyers got a special law?

WITNESS.-There is the professional aspect as well as the civil liberty to be considered. ~~A~~ If he commits an offence, you are at liberty to proceed against him. Now you apprehend that he will commit a serious offence and ask for a security in advance. As it is, we are making a declaration before the Magistrate and that ought to suffice. There is no use bringing in the question of controlling the profession.

Mr. K.R.S.ACHAR.-You please forget the preventive side. Suppose a press man publishes an objectionable (exceptionally bad) matter. Don't you concede that the newspaper should be amenable to some law?

WITNESS.-I say ordinary law will do. There is no need for any discriminatory law.

Mr. K.R.S.ACHAR.-For the sake of convenience may we not enact a separate law?

WITNESS.-This law, as it is, is very ominous. It does not allow us to discharge our functions freely.

Mr. K.R.S. ACHAR.-Suppose we say the first time that an editor commits an offence there shall be no demand of security. But when some incriminatory matter is published again, then only we can demand a security?

WITNESS.-As newspaper men we do not want to be a party to any law which fetters the discretion of the newspapers.

Mr. K.R.S.ACHAR.-As a citizen of the State, don't you think that a newspaper is entitled for control?

WITNESS.-There is one point though I do not agree with it. They tackle this question with the question of responsible government. Even under responsible government, I do not agree there should be a press law. Under responsible government, the Government will be more afraid of the people and also newspapers. They will try to befriend newspapers. In Bombay they do so. The Home Minister Mr. Munshi calls the press men every week and if there is any difficulty he explains.

Mr. K.R.S. ACHAR.-Even there some papers were gagged.

WITNESS.-They are exceptions.

CHAIRMAN.-He differs in the very fundamentals. There is no use in examining on the various issues which do not pertain to the provisions of the Bill.

WITNESS.-There is one other point I wish to refer. Under the proposed law, the local papers are placed under a greater disadvantage than outside papers.

CHAIRMAN.-They are subjected to the same law there.

WITNESS.-No. Mr. C. Rajagopalachari in Madras will not take action

for any contingency that arises in Mysore. He takes action on anything that happens in his own province. The papers in British Indian Provinces enjoy larger freedom than those in Mysore.

Papers like the "Hindu" and the "Madras Mail" have published much more objectionable things about the ~~xxx~~ Bangalore Disturbances of 1929 ~~than~~ what the local Kannada papers published. So far as the local news go, the kannada papers here are better informed and they have consideration for the State. We are more patriotic and we are more amenable to local interests but their interests are otherwise. The local Government have no control over them. They have no power to ban them. On the other hand they will ban you and bang you also. Their banging is much more effective . Whereas we are here to protect the cause of the State, to protect the cause of the people and fight for you. There may be occasional differences in the expression of opinion but in the wider interests of the State we are one with you.

CHAIRMAN.-It is an argument to try and secure greater power to deal with the papers from outside.

CHIEF SECRETARY.-~~Xxx~~ The Govt. can prevent the papers from coming inside the State.

CHAIRMAN.-If the mischief is done outside it does not matter. But we have very little power to stop their circulation here.

WITNESS.-Before gagging the loc[illegible]ers..

CHAIRMAN.-We do not want to gag anybody.

WITNESS.-It is a happy thing to hear you say so.

So far as the interests of the State and the people are concerned, we are one with you. Differences between you and us are very narr

You have nothing to be horrified at our di

opinion. The moment we realize our mistakes we will correct them. You say you are going to have some reforms. Naturally you want to be guided by public opinion and only local newspapers will be able to help you much better in that. Let us imagine we are in an ideal State in Mysore. We do not want any newspaper law.

Mr. K.R. SUBBANNACHAR.- What about mushroom newspapers?

WITNESS.-They will be in the same position as mushroom public men in our midst.In times of excitement more objectionable matter has been disseminated by the so-called public men than by the press.

CHAIRMAN.-Your arguments point to the view that action should be taken simultaneously in other directions, viz., in the way of controlling papers from outside, public speeches, etc.

WITNESS.-In an emergency, you ban speakers, you ban meetings and everything else under Sec.144 To act in an emergency, you have provision already. There is one advantage in the existing law: that supposing you act under Sec. 144, I can appeal against it.

Mr. K.R.S.ACHAR.-Here also you can appeal.

WITNESS.-But then where is the need to frame a fresh law? You are a greater menace to the State than newspapers.

CHAIRMAN.-There is an observation in the Memorandum that "This Act has been a source of great dread to editors and proprietors of newspapers." Is it so really?

WITNESS.-I do not know whether I have grown wiser with years or whether what I have been feeling now is correct or not. But I have felt at times that even in the matter of expressing views, it has not been liked.

CHAIRMAN.-Liking or no liking, is there anything in the Act itself which is really a source of great dread?

WITNESS.-As long as you are friendly to me, it is all right. X is the head of the Executive now and Y will be the head tomorrow. The Government ~~is~~ are very arbitrary now. They can do anything; there is nothing to check their impulse, emotion or feeling. Supposing the Head gets angry, he does not stop to consider whether his anger is justifiable or not. Supposing he is controlled by the judiciary, the aggrieved party could be sure of justice.

CHAIRMAN.-That is exactly the point. The Bill provides for any act ofthe Executive to be controlled by the Judiciary.

WITNESS.-But during times of emergency, judiciary, police and everybody will be one. I say this without meaning any disrespect to any one.

CHAIRMAN.-It has been said that "the newspapers may claim that their conduct has been one of conscientious regard....." Has the existence of this Act anything to do with this wholesome state of affairs?

WITNESS.-I think, on the other hand, that the newspapers have suffered.

CHAIRMAN.-This Act has not reacted unfavourably on them?

WITNESS.-It has reacted unfavourably. We are not free to say to you as an Executive Councillor that what you have done is wrong and you ought to go.

CHAIRMAN.-You are saying that now!

WITNESS.-Practically it is difficult. The way in which we have been writing is the standard way. Whether it is up to the standard or not it is for others to judge. As regards the question of 'fear' whether it is wholesome fear or unwholesome fear, there is that fear.

CHAIRMAN.-There are many persons in Mysore who start newspapers without either the mental equipment or the training or the financial resources necessary for such an undertaking and sometimes for purposes which are not at all wholesome; for instance, one wants to start a sporting news. But it has no more sporting news than bucket shop news. Are you aware that quite a large number of applications are received by Govt. for such purposes? They are not for regular journalism at all.

WITNESS.-I do not know whether they are properly scrutinised. I can say this much; genera it is the police report which predominates; only in exceptional cases that the Government interfere. Mostly they go by the report of the police constable or sub-inspector and these are the peopl who decide the fate of newspaper men.

CHAIRMAN.-There are two classes of cases: firstly cases of applications to start fresh newspapers and secondly newspapers which are already running with regard to which some action has to be taken. Speaking of the first class of cases, can you say that there are any instances in which permission has been arbitrarily or for insufficient

reasons refused?

WITNESS.-May I interrupt you? Speaking from people's point of view, it would be very wise and wholesome to allow people themselves to exercise whatever natural power they have over newspapers and newspaper men rather then impose a special law. I say this from my experience.

CHAIRMAN.-You find some corroboration for that method in Mr. Gandhi's letter which has appeared in the papers to-day. In addition to the conference method, he has suggested the non-reading of bad newspapers.

WITNESS.-Supposing anything written in my paper is wrong or is bad, the very next day I receive a warning from subscribers. They say "It is indecent; it is non-sense." So many people have written to me and their suggestions have been acted upon.

CHAIRMAN.-So you object only to Government writing to you?

WITNESS.-There is this difference. The subscriber tells me the thing in a friendly way. He does not cut off my head.

Mr. BELUR S. IYENGAR.-Have there been any convictions of editors for sedition during the past 10 years?

WITNESS.-There has been one case.

Khan Bahadur Md. ABBAS KHAN.-Though you are not in favour of any special law, have you any suggestions to make about the provisions of this bill?

WITNESS.-I cannot be a party to this legislation. It may be the mildest bill or the harshest bill.

CHAIRMAN.-Can we take it that your objection to legislation is sentimental?

WITNESS.-Not sentimental. It is based on history and on reason. You had this law for 30 years now. Still we are not a whit better. You give us a chance to work in a freer atmostphere for 3 years.

Mr. MD. ABBAS KHAN.-You may as well say: "Take away the police and we shall manage for ourselves."

Mr. G. GIRIMAJI RAO.-Why are you afraid of this press law?

WITNESS.-Fear is something natural in man. I am also afraid of this pernicious law. It is something like a scorpion or a snake. So naturally I should be afraid of it.

Mr. G. GIRIMAJI RAO.-Would you welcome in place of this the Criminal Law Amendment Act?

WITNESS.-Why do you ask what I want? I do not want this.

Mr. G. GIRIMAJI RAO.-Vehement speeches are made on the platform. Those articles appear in your papers. They may cause havoc.

WITNESS.-If you know how to govern well, there won't be any necessity at all for such happenings. You should be humble enough to accept your own deficiency.

Mr. K.R.SUBBANNACHAR.-No human agency is perfect.

WITNESS.-You have heard Sir Samuel Hoare's remarks. In the government of England.....

CHAIRMAN.-I don't think we can make this a sort of political controversy. As a matter of

fact,

fact, we have travelled too far--beyond our immediate purpose, although you have not offered any suggestions to improve the Bill.

WITNESS.-My position is very clear. I said we were law-abiding. And if inspite of it you have a law, we shall try to remove it by constitutional means and by such other means open to us. We ought to be at liberty to express our views. There should not be this special law. I think you may take this opinion for what it is worth. It is expressed in all sincerity and in the best interests of the country. We want to see that we have a very good press here, which is not servile and the stature of which is twice as high. We are actuated by this motive. I hope you will appreciate it. I feel and the association also feels that it is detrimental to the growth of a free press in Mysore to have this law.

Another thing is that local newspapers are allowed to be at a very great disadvantage. You should see how newspapers work outside--their tone and how they criticise their governments, and on what occasions they take emergency powers. There is the Shia-Sunni dispute. If any paper is found to indulge in stirring up communal ill-feeling or class hatred, the Magistrate takes action. Here also you may have the Thengale-Vadagale disputes and if the local papers are found to be not reasonable in their criticism, you may send for the editor and pull him up. Even then if he does not improve, he can be controlled through the ordinary law.

CHAIRMAN.-We appreciate what you say, though I must confess that it does not really pertain to the matter before us; it is very interesting. Thank you very much.

WITNESS.-I also express my thanks on behalf of the Association for the patient hearing you have given me. I wish the Committee will recommend that there need be no special legislation.

CHAIRMAN.-That would be ultra vires of the Committee. Because the Committee itself came into existence under a law which has defined its functions.

Mr.D. H. CHANDRASEKHARAIYA.-We cannot drop the measure altogether.

WITNESS.-Our suggestion is to keep only the last clause about repealing the existing Act and delete the rest. (Laughter!)

WITNESS.-Editor, "The Al-Kalam".

CHAIRMAN.-We are thankful you have accepted our invitation. We shall be glad to know your views on the Bill. Have you got any written statement or would you merely answer questions?

WITNESS.-I shall answer the questions that may be put to me.

CHAIRMAN.-You have read the Bill. Generally what do you think of it?

WITNESS.-I think it is not necessary at this time. Journalism in Mysore is still in its infancy. The proposed bill is not suitable for the healthy growth of journalism.

CHAIRMAN.-What do you think will be suitable?

WITNESS.-I am of opinion that the Act of 1908 should be entirely repealed.

CHAIRMAN.-And nothing left in its place?

WITNESS.-It is enough if the editors are required to make a declaration in a Magistrate's court.

CHAIRMAN.-You would not object to a law being framed for the ordinary activities of society but not for newspapers?

Mr. K.R.SUBBANNACHAR.-Do you concede that some law is necessary for controlling the newspapers?

WITNESS.-No special law is necessary. The law that already exists is adequate.

Mr. K.R.S.ACHAR.-How are you affected by our taking the provisions of the existing law and taking the ~~enacting~~ p

enacting a new law?

WITNESS.-Under the new law, there is the extra fear of losing the security deposit. The editor will be always thinking of the security and he will not have freedom.

Mr. BELUR S. IYENGAR.-You have no objection to making a mere declaration before a Magistrate without depositing a security.

WITNESS.-No objection.

CHAIRMAN.-Will mere declaration serve any useful purpose?

Mr. K.R.SUBBANNACHAR.-We have only copied the law that is in operation in Congress governments.

No answer.

CHAIRMAN.-Under the new law, no permission will be necessary to edit a newspaper but a declaration has got to be made. The security deposit is not obligatory. Unless the Magistrate feels that a deposit should be taken or he feels that there has been previous misbehaviour on the part of the party, there will be no security demanded. There is only the power to demand. You will have no objection for that?

WITNESS.-Nodded his head.

Mr.K.R. SUBBANNACHAR.-Supposing we alter the provision somewhat like this: The editor publishes an objectionable matter. The authorities warn him. If he does not profit by the warning, you prosecute him. How do you like such a provision?

WITNESS.-No answer.

Mr. BELUR SRINIVASA IYENGAR.-Supposing a

erson who has been prosecuted for sedition or reating class hatred applies for licence, s it wrong for the Magistrate to inquire into is antecedents and on that data, demand a security?

WITNESS.-No.

Mr. ABBAS KHAN.-Have you got any suggestions to make regarding the provisions of this bill?

WITNESS.-No.

Mr. ABBAS KHAN.-You should like an open enquiry to be made?

WITNESS.-Yes and the conference method should be adopted.

CHAIRMAN.-That is outside the law. The conference method can always be adopted. No law is required for that purpose.

Mr. K.R.S. ACHAR.-Can you guarantee that even papers that may be started in the future will be thoroughly good and show restraint and moderation in their writings?

WITNESS.-The Mysore press people are quite loyal. They have done some good service to the State. Almost all the papers in Mysore are patriotic and interested in the advancement of the State.

Mr. K.R.S. ACHAR.-I note what you say may apply to "almost all the papers in Mysore."

Have you always lived in dread of the press law as an editor?

WITNESS.-When I write things according to the dictates of my conscience, there is no question of dread for me.

Mr. K.R.S. ACHAR.-Are you sure of doing it always?

WITNESS.-As far as possible, I have acted according to the dictates of my conscience.

Mr. D.V. GUNDAPPA.-Yes, "as far as possible"!

The examination of this witness was over at this stage.

Mr. D.V. GUNDAPPA.-So far as I am concerned, I am thankful that some press representatives have been invited to express their views. But it has not been fruitful in the sense that no concrete suggestions have been made for improving the bill.

CHAIRMAN.-We have had the satisfaction of having heard them.

Mr. T. T. SHARMA, Editor of the "Visva-karnataka" has written to say that he has been ill for the past few months and disabled to appear before the Committee. He has sent a written statement which the Secretary will read for the information of the Committee.

The statement was read accordingly by the Secretary.

(Here enter the typed statement).

Mr. D.V. GUNDAPPA.-Sir, with your permission I should like to make a statement. If the Chairman and the Committee have no objection, I may submit myself to examination. Some of the questions put to the previous witnesses are very important. They go to the root of the matter and I should like to answer those questions. I offer myself voluntarily for examination by the Committee, as an humble worker who has had something to do with newspapers and as one who has worked with previous committees on former occasions.

CHAIRMAN.-So far as the Committee goes, I think the members would be content to have the benefit of your views on various clauses of the Bill as they are taken up.

Mr.D. V. GUNDAPPA.-I should like, first of all, to make this motion:

> "That after hearing the views of the representatives of the Journalists' Association and of the newspapers and in consideration of the fact that ample powers exist already for dealing with the press in connection with all kinds of conceivable emergencies and ordinary situations, there is no need for the Legislative Council to proceed with this Bill."

That is my definite proposition. I consider that ample powers exist already for Govt., particularly powers of which I was not aware when I prepared my note for the last meeting. In view of the existence of this power in the Police Act and in view of the strong opposition of those who are engaged in the profession of journalism, I proposed that this Committee recommend to the Legislative Council that the Bill may not be proceeded with.

Mr. K.R. SUBBANNACHAR.-I raise a point of order. The Select Committee has no right to send up any such recommendation. We are here to consider the various provisions of the Bill and not to throw it out altogether.

CHAIRMAN.-The Rules of Business and Standing Orders/say: "When a Bill has been referred to a Select Committee for consideration, it shall be the duty of the Committee to discuss each clause of the Bill and to recommend to the Council such amendments as seem to it to be advisable." (vide rule 45)

So, whatever differences of opinion there may be in regard to the desirability of having any sort of control or the nature of the control that is to be advocated, we in this Committee can only act within the four corners of the Act. There will be other opportunities for members who feel otherwise to express them.

Mr.D.V. GUNDAPPA.-May I invite the attention of the Committee to what the Member in charge of the Bill said at the last meeting of the Legislative Council? Mr. D.S.Mallappa put a question as to the limits of the powers of the Select Committee to take up the first principles, the basic principles embodied in the bill and to which the Member of Govt. replied (vide pp.63 of the galley proof ofthe L.C. proceedings) that the Committee would be competent to deal with the whole Bill without including the basic principles..//CHAIRMAN.-It was open to the Council to refer the Bill with some restriction. All that was left free. In other words, we meet now with the same powers with which we met last time i.e., no restrictions have been put upon this committee by increasing the personnel, though it was open to the Council to have given instructions to us to consider only specific clauses of the bill.

Mr. D.V. GUNDAPPA.-The question of recommitting the Bill to an enlarged Select Committee without imposing any limitation was referred to specifically by Mr.D.S. Mallappa and by Mr.Srinivasiengar and the recorded proceedings clearly show that the reference made was repeatedly to the principles of the bill

CHAIRMAN.-We have not been given any instru tions calculated to bind our discretion. But you cannot deny the nature of our own commitment. We are seized of it in a certain capacity and we have got to deal with it in that capacity.

Mr. D.V. GUNDAPPA.-It seems to me it is quite competent for this Committee to say that after having heard the various views put forward on behalf of the journalists' Association, this Committee is of the view that the Bill is not necessary. I think it is up to this Committee to say so.

CHAIRMAN.-I wonder how anybody can say that after hearing the views of two witnesses that they feel convinced that there is no need for legislation.

Mr. D.V. GUNDAPPA.-There is one man here and he may be allowed to lay claim to it and that is myself.

CHAIRMAN.-In the note you circulated last time, you said some sort of control is necessary.

Mr. D.V. GUNDAPPA.-I stick to that position and say that that control is already provided for by the existing law. It enables Govt. to exercise

the largest measure of control that is reasonable and not more. I was not aware of the existence of this provision in the first place. Because for the last 10 or 12 years I have not had the experience of receiving notices from the authorities. I did not know that it was being applied also in British India. From the extract read out by the witnesses, it is evident that it is being so applied in British India also.

Mr. K.R.S. ACHAR.-Is not Sec. 144 more drastic?

Mr. D.V.GUNDAPPA.-That is not the point. Am I to understand that if the present law is accepted, this Section will be expunged from the Cr.Pr.Code?

Mr. K.R. SUBBANNACHAR.-It will deal with other people.

Mr. D.V. GUNDAPPA.-Let it continue to be operated against the press people also.

Mr. K.R. SUBBANNACHAR.-But it is more drastic?

Mr. DV. GUNDAPPA.-~~xxxxxxxx~~ We will consider that separately.

CHAIRMAN..It is not applicable specifically to the press. So far as I am concerned, the view expressed at the Legis. Council was quite clear. I meant this Select Committee to have as much latitude as any other Select Committee. It is for the Committee to distinguish between principles and details.

Mr. D.V. GUNDAPPA.-May I ask what exactly is the principle that is so sacred that we should not touch now?

CHAIRMAN.-When we begin reading the Bill clause by clause, we can decide which is the principle and which is the detail.

Mr. D.V. GUNDAPPA.-Since the principle for which the Bill stands, viz., the principle of controlling the

press is already embodied in other provisions of law, this Bill is superfluous. The principle of the proposed measure is the principle of controlling the press. For that principle there is already enoug provision and more in existence. Therefore any new measure is superfluous. That is my contention. I will not say that the principle should be given the go-by. I say the principle is there already embodied in other laws-

CHAIRMAN.-We have to adjust ourselves to the duties laid down to Select Committees. It may not b possible for all of us to agree as to what points relate to principles and what to ~~the~~ details. It is always open to the Legis. Council to give instructio to this Committee. This was a particular case where such instructions could be expected. They might hav said "Deal in detail only with these clauses and not the entire Bill." But this was referred back to th Select Committee without limitation.

Mr. H.B. GUNDAPPA.-Why should there be a re-iteration? When they say "without limitation", it might not even be proper to lay down any restriction. When certain additional members were added to the Select Committee, it was made clear that they could exercise the full powers.

GOVT. ADVOCATE.-The Bill was recommitted because Mr. D.V.Gundappa remarked that the grammar there was wrong.

Mr. D.V. GUNDAPPA.-I should like the matter to be judged . Is it only on the ground of grammar that the Bill was re-committed?

CHAIRMAN.-That is a matter which the Council can decide. We are only concerned with the point that the Bill has been recommitted to us.

Whether a particular point refers to the question of principle or not is a question of fact and it canbe decided only as we go along clause by clause.

Mr. D.V. GUNDAPPA.-So I take it that my roposition has been ruled out?

CHAIRMAN.-Yes.

Mr. ~~GH~~ D.V. GUNDAPPA.-Then if I am given 5 days' time, I shall send up my amendments for he various clauses.

CHAIRMAN.-Since there is not sufficient time o place the report of the Select Committee before he forthcoming meeting of the Legislative Council, e can deal with the ~~matter~~ details of the Bill at the next meeting f the Select Committee.

At this stage (3 P.M.) the meeting adjourned ine di

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. ..... Dated, Bangalore, 3rd August

Official Memorandum.

A meeting of the Select Committee appointed to consider Mysore Press and Newspapers Bill will be held in the Chambers the First Member of Council, Public Offices Buildings, Bangal at 1 Pm on Thursday the 17th August 1939.

By Order,

Secretary to the Commit

To The Members of the Committee

Copy to
1. P.A to the 1st Member
2. O.B. for kindly arranging seats and lunch
3. RA & dc. M

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No.P.724-36 Dated Bangalore the 8th August 1939.

OFFICIAL MEMORANDUM.

A meeting of the Select Committee appointed to consider the Mysore Press and Newspapers Bill will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore at 1 P.M. on Thursday the 17th August 1939.

By Order,

Secretary to the Committee.

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GENERAL AND REVENUE SECRETARIAT

No. P 748/Rev 2

Dated, Bangalore, 8th August 1939.

From

The Secretary,
to the Select Committee on the Mysore
Press and Newspapers Bill, Public Offices,
Bangalore.

To

E.G.B.Peel, Esq., C.I.E.,
Inspector General of Police in Mysore,
and Member, Mysore Legislative Council,
Bangalore.

Sir,

I am directed to state that under Standing Order 51 of the Standing Orders of the Mysore Legislative Council you are appointed an additional members of the Select Committee on the Mysore Press and Newspapers Bill.

A copy of the Bill and the Official Memorandum regarding the next meeting of the Committee are forwarded herewith for your information.

I have the honor to be,
Sir,
Your most obedient servant,

Secretary.

Till this morning I was hoping I would be able attend this afternoon's meeting of the Select Committee on the Press and Newspapers Bill; but now I find some domestic inconveniences (such as some serious illnesses) standing in my way. I request my absence may kindly be excused.

Even if I had attended today's meeting, I would not have been able to bring up the amendments which I intended. During the 8 days since my receiving the notice of the meeting, I have myself not been in good health; and in addition I am faced with the duty of writing a Note to be appended to the Report of the Constitutional Reforms Committee. This difficult task has been engaging all my attention, as the day fixed for the signing of the Report is the 24th.

Apart from the idea of amending, the feeling is growing in my mind that the present is not an opportune time for legislation of the kind we have on hand. The Political atmosphere is dark and complicated; the public mind full of complexes of various kinds. Moreover, when a new, re-formed legislature is almost in the ante-room, I can see no justification for the old, practically super-annuated legislature meddling in so important a matter. I plead that things be left where they are till the contemplated new houses of legislature are brought into being.

I shall thank you for placing this letter before the esteemed Chairman and the Committee.

Yours sincerely,

D. V. Gundappa

(D. V. Gundappa)

Member of the Select Committee on the Newspapers Bill, Mysore Legis. Council

C. Subrahmanya Iyer Esq., B.A., B.L.,

Secretary, Mysore Legislative Council,

G. & R. Secretariat, Bangalore.

Proceedings of the ~~1st~~ Meeting of the Select Committee on the Mysore Press and Newspaper Bill, held in the First Member's Chambers on 17th August 1939

1. Rajamantrapravina N. Madhava Rau, B.A., B.L., (Chairman).

2. Mr. E.G.B. Peel, C.I.E.,
3. Rajasevaprasaktha B.T. Kesaviengar, B.A.,
4. Mr C. Subrahmanya Aiyar, B.A. B.L.,
5. Mr. Mirle N. Lakshminaranappa
6. Khan Bahadur Md. Abbas Khan
7. Rajacharita Visarada Rao Sahib C. Hayavadana Rao, B.A., B.L.,
8. Mr. Belur Srinivasa Iyengar, B.A., B.L.,
9. Mr. B.S.Puttaswamy, B.A., B.L.,
10. Mr. H.B. Gundappa, B.A., B.L.,
11. Mr P. Subbarama Chetty
12. Mr. K.R. Subbannachar, B.A., LL.B.,
13. Mr. G. Girimaji Rao

ABSENT.

Mr. D.V. Gundappa.
" H. V. Ramaswamy.

Letter from Mr. D.V. Gundappa regretting his inability to be present at the meeting was read and recorded.

PREAMBLE.-This was amended/to read as follows:-

"Whereas it is expedient to provide for the better control of the press and the publication of newspapers and other works containing public news: it is hereby enacted as follows:--"

Clause 1.- No change.

Clause 2--Definitions: In the definition viz., whether printed, handwritten or typewritten of "document", the words in italics at the end were deleted as it was felt that they had a limiting effect on the definition.

Definition of "Magistrate" in sub-clause (3) was omitted, as it was found that in one or two ~~p~~ clauses of the bill there was reference to 'Magistrate' as defined here and also to the local magistrate.

The other sub-clauses under 'Definitions' were consequently renumbered.

7

(8) (a) was changed as follows to make it the meaning clearer:--

"any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Indian Press and Registration of Books Act (Act No.XXV of 1867) as in force in Mysore; and"

(8) (c) was deleted as unnecessary, consequent on the omission of old Clause 3 re. Permission to publish, from the bill.

(8) - In line 3, substitute '15' for '16'.

New Clause 3--Control of Printing Presses and Newspapers.

Mr. D.H. CHANDRASEKHARAIYA was of opinion that when the keeper of a printing press made a declaration for the first time, there was no need to demand a security from him. He therefore opposed this provision.

The CHAIRMAN explained that the provision was intended to apply to cases where a particular press was closed down and some other person took it up and made a declaration. In such a case, so far as the person was concerned, it might be his first application but really the permission asked for was in respect of an old press.

Mr.BELUR SRINIVASA IYENGAR said that the objectionable feature of the bill was to be found in the clause re. Security Deposit and the clause which placed the power of operating the Security in the Under those clauses, it seemed to him that Govt.would be dealing not with actual offences but potential offences. For offences actually committed, there were sufficient provisions in the Penal Code and it seemed to him that there was no conceivable offence that could be dealt with under this Section in the bill.

There was no justification for the Govt. to forge a new weapon, if only that weapon was tobe used to check tendencies towards offences of the kind made punishable by the Indian Penal Code (as distinguished from the offences themselves), that is, tendencies which, if left unchecked in their incipient stages, might reasonably be presumed to lead to social strife and civil disorder in times of grave sensitiveness and irritation of the public mind. It was his opinion that the weapon should be for use only in exceptional circumstances; and it should be so designed as to work swiftly, but not too swiftly; and throughthe judicial agency.

Proceeding, the speaker said that he understood the object of the Legislative Council in recommitting the bill to the Select Committee to be (1) for meeting the needs of the Govt., under the prevailing conditions in the State, and at the same time, (2) for taking away the harsh provisions in respect of which there had been long debates in the Legislative Council. The previous Select Committee had interviewed certain ~~members~~ pressmen last time and were in possession of their views on the bill. The point to consider by the present Select Committee was whether it would not be worth while to effect a compromise, by improving the bill instead of merely copying the provisions from the legislation outside. Apart from the policy of issuing a licence, the discretion to demand a security from a printer was left in the Executive, i.e., the Magistrate. The security clause would clearly be

be an obstacle inthe path of a person with necessary skill and ability but with just enough capital to equip a printing press wishing to start a paper

Mr. D.H. CHANDRASEKHARAIYA supported the above contention and added that the benefit accruing from the deletion of the old provision requiring the taking of permission to publish a paper, was counteracted by the addition of a new provision requiring the deposit of security. Thus, in effect a rigid control was sought to be exercised in some other form.

Mr. H.B. GUNDAPPA also pointed out that this provision savoured of suspicion on the part of the Govt. about the bona fides of the printer

The CHAIRMAN pointed out that ordinarily the security clause would be enforced only in cases where a trial had been given and that the declaration was only de novo in form.

Mr. K.R. SUBBANNACHAR pointed out that if the magistrate had no power to demand a security, one and the same person might go on changing the name of the paper and apply for a fresh licence every time.

The CHAIRMAN did not find any harm in demanding a security from a person of questionable antecedents, especially when it would be refunded within 3 months,(under sub-section (2)). if he kept good behaviour.

Mr. H.B. GUNDAPPA felt that in a poor country like Mysore, the ~~person~~ printer need not be over-burdened with a security in addition to the large investment he had to make on the printing press.

The CHAIRMAN explained that the Govt. approached the question on the footing that a certain section of the non-officials in the legislative council preferred to have a law on the model of the Govt. of India Press Act. So far as the Govt., were concerned, they were perfectly satisfied with the existing Act.

Khan Bahadur Md. ABBAS KHAN added that several committees in the shape of special committees and select committees had been constituted for the introduction of a legislation on the model of the British Indian Act and that was why this bill had been prepared.

Mr. D.H. CHANDRASEKHARAIYA suggested that instead of leaving the matter entirely to the discretion of the magistrate, ~~it might be specified~~ the conditions under which the magistrate might demand the security might be specified in the bill. His object was just to ensure that the magistrate used his discretion properly.

Mr. Md. ABBAS KHAN ~~said that~~ instanced the case of a stranger of whose antecedents the magistrate did not know anything and said there would be every justification in demanding a security from such a party.

The CHAIRMAN observed that the general arguments for and against this Clause had been exhausted. ~~and that~~ ascertained that the opinion of the Committee was in favor of retaining the clause.

Messrs. Belur Srinivasa Iyengar, D.H. Chandrasekharaiya and H.B. Gundappa, however, dissented from the Committee, as they were opposed to the provision xxx demanding a security in the very first instance.

Mr. G. GIRIMAJI RAO proposed that the ~~value~~ amount of security, viz., Rs.750/- prescribed in Cl. 3 be reduced to Rs.500/-

This was agreed to.

Proviso to ~~Sec.~~ Clause 3 (1).- Mr. P.SUBBARAMA CHETTY proposed the reduction of the security amount under this proviso from Rs. 2,500/- to Rs.1,000/- as, in his opinion, the latter amount would meet the needs of the cases contemplated.

Mr. Belur SRINIVASA IYENGAR supported the suggestion.

The CHAIRMAN explained that the proviso related to a press in which there had been a transgression of the law once. The circumstances under which a second deposit would be demanded were quite different. Hence he suggested that the figure might be put at Rs.2,000/-

As the majority of the members agreed to this suggestion, Rs.2,000/- was substituted for Rs.2,500/-.

Sub-~~section~~ clause (2).- Mr. D.H. CHANDRASEKHARAIYA's proposal for reducing the period of "3 months" to "1 month" was not accepted.

At this stage, the Committee rose for lunch, and reassembled at 3.45 P.M.

Sub-~~section~~ clause (3).-The security deposit under this sub-section also was reduced from Rs.2,500/- to Rs. 2,000/-.

Clause 4 (1).-

(a) Mr. D.H. CHANDRASEKHARAIYA proposed the deletion of the words "or tend to incite to or to encourage" as they were too elastic. But as the same words ~~xx~~ had been used in the British Indian Act, the suggestion was not accepted.

(b) No change.

(c) This sub-clause was amended slightly by the addition of the following words:--

In line 1, after the word 'driver' the word 'sepoy' was added.

In line 2, after the word "forces' the words 'or any officers, soldiers, sailors, airmen in Military, Naval or Air Force' were added.

(d) The words 'in British India' and 'in Mysore' were deleted, as they were considered to be superfluous.

Mr. H.B. GUNDAPPA pointed out that ~~xxxxx~~ in the absence of a ~~xxxxxx~~ reciprocal provision in the British Indian Act to protect the subjects of Mysore, there was no need to include the 'subjects of His Majesty the King Emperor of India' in the Mysore legislation.

Mr. D.H. CHANDRASEKHARAIYA supported the above view.

Mr. B.S. PUTTASWAMY explained that it was not correct to say that there was no obligation on the part of the Govt. of India to protect the interests of the Indian State subjects.

There were two occasions when the Indian State had the right to invoke their aid: one under the Princes' Protection Act and the other under the Govt. of India Act of 1935. Under the latter Act, it was one of the special responsibilities of the Governor or the Governor General as the case might be. Hence he held that it was necessary to provide for reciprocity in the Mysore legislation, and as such, the portion relating to the subjects of H.M. the King Emperor should be retained in the sub-clause.

The CHAIRMAN explained that the provision related to offences under Sections 153 A and 124 A, i.e., promoting feelings of enmity between different classes of His Majesty's and Mysore subjects, and to the prevention of publication of objectionable and seditious matters. This Section attempted to prevent any tendency in that direction. Members realized that the inclusion of H.M. the King Emperor and the Govt. established by law in British India was fully justified. Not only was it necessary on grounds of prestige, it was necessary on the basis of reciprocity as evidenced by the State Protection Act. As regards the other point that the British Indian Act had not made provision for the protection of the subjects of the State, he said there were two answers. Firstly, the administration of Indian States was wide enough to cover in most cases offences against Indian States. Secondly, under an old enactment of Mysore, viz., Secs. 124 A and 154 of the Penal Code, there was a moral obligation on the part of the Mysore Govt. to prevent acts tending to create sedition against British India. Thus, he said, from an administrative

point of view, it was necessary to keep that provision. It had not been widened beyond the scope of actual requirements in any sense.

Messrs. H.B. GUNDAPPA & D.H. CHANDRA-SEKHARAIYA pointed out that while outside papers enjoyed freedom to criticise Mysore and its administration, it was sought to fetter the liberty and discretion of Mysore papers under this Press Act to publish anything by way of rejoinder to them. They were afraid that the State had no manner of control over the writings of the British Indian newspapers.

Mr. B.S. PUTTASWAMY disagreed with the above view again and held that under the Princes Protection Act, the Govt. could appeal to the Govt. of India and see that such papers were pulled up. In the event of not including a provision in the Mysore legislation for the protection of His Majesty's subjects, he was afraid the Govt. of India might ~~xxx~~ deny any aid on the plea of lack of reciprocity in the Mysore ~~xxxx~~ legislation. It was just on account of that, he said, the retention of the clause was justified.

The CHAIRMAN supplemented the above remarks by observing that the subjects could not be dissociated from the administration. He illustrated his meaning by ~~xxxxxxxx~~ recalling a recent instance ~~an incident that took place lately~~ when ~~the printing of~~ a certain book had to be proscribed even though it contained nothing against Mysore. It was a matter of political ~~neces-~~

expediency ~~necessity~~ to proscribe the book as it was calculated to bring British India/ ~~administration~~ into contempt. He hoped that it was not the intention of the non-official members of the Select Committee that the Government should not have the power to deal with such cases.

Mr. H.B. GUNDAPPA agreed that it might be all right from administrative point of view; but ~~but was afraid the Press Act would he said that~~ it need not be provided for under the Press Act.

Mr. MAHOMED ABBAS KHAN contended that it was necessary to retain the clause, ~~xxxx~~ if not for other things, at least for preventing hatred between two religions such as between the Hindus and Muslims. Any writings ~~xxx~~ criticising the Hindu-Muslim relations in Madras might have ~~its~~ their repercussions in Mysore and result in a breach of the peace here.

At this stage, the retention of the provision was agreed to, Messrs. Belur Srinivasa Iyengar, H.B.Gundappa and D.H.Chandraiyaharaiya ~~ye~~ dissenting.

Sub clause (e).-Mr. Belur SRINIVASA IYENGAR objected to this provision ~~that~~ on the ground that/Government ~~should~~ to hold briefs for individuals.

it was not the province of the

Mr. HAYAVADANA RAO explained that the objective was quite different, viz., preventive action.

The CHAIRMAN further explained that this provision was a complement to the/Indian provision in the Penal Code. What the Penal Code ~~did~~ might do after the committal of an offence was sought to be ~~pro-~~ ~~xxxxed~~ obviated by preventing the commission of

of the offence itself in advance. In short, he said it was intended to prevent resort to black-mailing.

Mr. PEEL added that this provision would prevent the public from being exploited by individuals through the medium of newspapers; in other words, it would prevent newspapers from committing any acts which if committed by private persons would constitute an offence.

The CHAIRMAN further explained that if a paper offered its columns to people with criminal tendencies, preventive action could be taken against it.

(f), (g) and (h).-- No change.

(i).-Add the words 'British Military forces .....' after the word 'force'.

As regards the operative portion of the clause, he objected to the forfeiture of the security after merely issuing a notice but that it was desirable to provide for a formal enquiry, afford scope for explanation before the actual forfeiture.

The CHAIRMAN explained that there was nothing to prevent Govt. from sending for the party and holding an enquiry. But there might also be cases where obviously it might even not be necessary at all to do any such thing. Otherwise, before ordering the forfeiture, there might be several opportunities for Govt. sending for the party and hearing him.

~~As regards the 'Explanations' under this Clause,~~ Mr. CHANDRASEKHARAIYA thought it necessary to add a para explaining cases wherein forfeiture could be made.

Clause 4 was adopted, with the amendments indicated above. (Adjourned at 5 P.M.)

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

Dated Bangalore the 15th September 1939.

OFFICIAL MEMORANDUM.

A meeting of the Select Committee appointed to consider the Mysore Press and Newspaper Bill will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore, at 1 P.M. on Saturday the 30th September 1939.

By Order,

BVR

Secretary to the Committee

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. ..... **Dated, Bangalore,** 12th Sept. **1939**

Official Memorandum.

A meeting of the Select Committee appointed to consider the Mysore Press & Newspaper Bill will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore at 1 pm on Saturday the 30th September 1939

By Order,

Secretary to the Committee.

To

The Members of the Committee
C.B.E.
(1) P.A. to 1st Member
(2) O.S. for kindly arranging Press & Lunch
(3) R.A. & L.C. Offs.

September

OFFICE OF THE
FIRST MEMBER OF COUNCIL
SEP 19 1939
No. 2670

Dear Sir,

In reply to your Official Memorandum No.P.1815-28 dated 14th September 1939 regarding a meeting of the Select Committee to consider the Mysore Press and Newspaper Bill to be held on Saturday the 30th September 1939 at 1 P.M., I regret to say that I shall be prevented from attending the meeting as I shall be on tour on that date. I request that my absence may be excused.

Yours sincerely,

B.K.Ramakrishniya, Esq., M.A.,LL.B.,
Secretary to the Committee,
Bangalore.

D. V. GUNDAPPA
Nagasandra Road
BASAVANGUDI P.O.
BANGALORE CITY (South India)

28th September 1939.

OFFICE OF THE SECRETARY
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL
D.596
29 SEPT. 1939
2181/P
OFFICE OF THE FIRST MEMBER OF COUNCIL
SEP 29 1939
No 3023

The Secretary,
Mysore Legislative Council,
BANGALORE.

Sir,

Owing to my broken health, it will not be possible for me to attend meetings of the Select Committee on the Press and Newspapers Bill (as of other bodies); and I beg leave hereby to resign my membership of the Select Committee.

I shall be grateful to the Committee and the Chairman if they would be so good as to record in their Report my view of the bill which I expressed in my letter to you dated the 17th August 1939, which was to the following effect:-

(i) "The feeling is growing in my mind that the present time is not opportune for Press legislation of this kind. The political atmosphere is dark and complicated, and the public mind is full of portentous complexes of various kinds.

(ii) Moreover, when a new and reformed legislature is almost in the ante-room, I can see no justification for the old and nearly super-annuated legislature meddling in so important a matter. I plead that things be left where they are until the contemplated new houses of legislature are brought into being."

Thanking you for placing this letter before the Committee,

I beg to remain,
Sir,
Your most obedient servant,

D. V. Gundappa

MEMBER SELECT COMMITTEE,
Mysore Press & Newspapers Bill,
Mysore Legislative Council

noted for personal
BKR
29.9.39

(Member)

29/9/39

Dewan)

29-9-39

SECY. LAW DEPT.
30 SEP. 1939
GOVT OF MYSORE

1st Member
CL
30/9

Hole Narsipur
29. 9. 39

Dear Sir,

I very much regret my inability to attend the meeting of the Newspaper Bill committee tomorrow because I have to conduct two very old cases here; the postings were made long before I received the notice of the meeting. I request you to be pleased to convey my regret to the Chairman and members of the committee.

Yours sincerely
N. Sreenivasachar

To
The Secretary

THE MYSORE NEWSPAPERS BI

The fourth meeting of the Select Committee on the above Bill was held in the Chambers of the First Member of Council, on Saturday, 30th Septr. 1939, commencing at 1 p.m.

The following members were present:--

Rajamantrapravina N. Madhava Rau (Chairman).
Rajasevaprasakta B.T. Kesavaiengar.
Mr. H.V. Ramaswami.
Mr. C. Subrahmanya Aiyar.
Khan Bahadur Mahomed Abbas Khan.
Rajacharitavisarada Rao Sahib C. Hayavadana Rao
Mr. H.B. Gundappa.
Mr. G. Girimaji Rao.
Mr. B.S. Puttaswamy.
Mr. D.H. Chandrasekharaiya.
Mr. Belur Srinivasa Iyengar.

Letters from Messrs. D.V. Gundappa, K.R. Subbannachar and E.G.B. Peel expressing their inability to attend the meeting were read and recorded. Then the discussion on the several clauses of the Bill commencing with Clause 5 was taken up.

Clause 5. The maximum limit of security required to be given under this clause was reduced to Rs. 6,000 from Rs. 7,500.

Clause 6

Mr. Belur Srinivasa Iyengar expressed the vie that it would be more equitable to give the person concerned notice in the first instance and if no satisfactory explanation was received, then the action contemplated might be taken. Otherwise it would be very hard on the persons concerned. As it was, the clause was not clear on this point, and it was desirable that provision for the issue of notice to the party concerned should be embodied in the clause itself. The security amount of Rs. 6,000

waa a heavy sum and there would be nothing wrong if a preliminary notice was given to the party before it was forfeited.

Mr. Hayavadana Rao said that the policy underlying the bill was something different. There was a chance for the party to go in appeal to the High Court against the decision of the Government. Before the Government come to the decision that the security should be forfeited, they would have done many things considered necessary, including perhaps the issue of a notice to the party. There was no need to issue a notice and thus divide the responsibility of the Government. Government were expected to act on their own responsibility. It was better to put the Government on the defence. Let them act suo moto.

Mr. Mirle N. Lakhsminaranappa said that if a notice was issued to the party by the Government, then there would be almost a judicial order of the Government on the explanation received. That would also have to come in for review before the High Court, so that there would be really a race between the two -- Government and the High Court. Even under the Land Revenue Code Government were not deciding the matter, but were referring it to the High Court.

All the same, Mr. Belur Srinivasa Iyengar held the view that notice to show cause should be issued to the party concerned before forfeiture of the security. Mr. D.H. Chandrasekharaiya also supported this view. This view was noted.

The other members of the House agreed to the clause as it was.

Clause 7. Mr. Belur Srinivasa Iyengar was of the opinion that in view of the definition of "newspaper" in the bill it was necessary that certain Concession should be shown in the case of journals published half yearly or quarterly and that a uniform procedure should not be adopted in the case of all journals.

The Chairman observed that whatever might be the period of publication of a journal, if it was found to be mischievous in its tendency, deposit of security by the publisher was necessary.

As regards penalties, the following alterations were agreed to by the House, to make the penalties uniform with those under Clause 3:--

(1) Reduction of Rs. 750 to Rs. 500.

Proviso. " of Rs. 2,500 to Rs. 2,000

(3) " do. do.

Clause 8. Messrs. D.H. Chandrasekharaiya and Belur Srinivasa Iyengar were of opinion that before forfeitur of security under this clause also, notice to show cause should be issued to the parties.

Clause 9. (Sub Clause 1): The maximum limit of further security was reduced to Rs. 6,000 from Rs. 7,500.

Clause 10. No remarks.

Clause 11. (Sub-clause 1) Mr. D.H. Chandrasekharaiya said that as the punishments provided under the previous sections were quite sufficient to kill the press and the printer, this clause was unnecessary.

Mr. Mahomed Abbas Khan said that keeping the press or publishing newspapers without making a deposit was

a deliberate act of disobedience and some punishment should be provided for it.

Mr. Chandrasekharaiya said that the forfeiture of the press itself would be a sufficient punishment

The Chairman pointed out that a cheap cyclostyle machine might be made use of for the purpose and if it was seized, it might be replaced by another at a small cost and the publication of the paper might be continued. When once a law was brought into force it must be effective and this clause was necessary to effectively ~~xxxxxxxx~~ prevent the keeping of the press or publishing newspapers without making the required deposit.

Mr. Belur Srinivasa Iyengar said that this law was unique in that it contemplated in addition to punishment, forfeiture of ~~xxxxxxx~~ property. Secondly, he said that it was desirable to make this law self-contained. It might be clearly stated in the clause ~~xxxxxxx

there was nothing wrong in referring to the penalties prescribed under that particular Act.

The Chairman said that the Act of 1867 was still in force and there was nothing wrong in having it as a cross-reference, ~~and there was nothing wrong in such a reference~~. He also added that the keeper of a press and the publisher had certain duties to do. And the Bill as it stood clearly explained what those duties were and what the punishments would be if they failed to discharge those duties.

Clause 11 (Sub Clause 2) No remarks.

Clause 12. Mr. Chandrasekharaiya pointed out that in the face of clause 11, this clause was unnecessary.

Mr. Hayavadana Rao said that as the clause fixed the time limit for the use of the Press, this clause was necessary.

Mr. Mirle N. Lakshminaranappa said that one set of clauses was directed against the keeper of the press and the publisher and another set was directed against the Press and that was done for very good reasons. For this reason, it was necessary to retain the clause.

The House agreed that the clause might remain as it was.

Clause 13. No remarks.

Clause 14. Mr. Belur Srinivasa Iyengar suggested that the police officer referred to in the clause

might be of the rank of at least an Inspector, and that the clause be modified accordingly.

This change was not considered necessary by the House as the action contemplated was a purely ministerial act.

Clause 15. No remarks.

Clause 16. Mr. Belur Srinivasa Iyengar suggested that for purposes of searching and seizure of unauthorised newssheets and newspapers, the procedure prescribed under Sections 102 and 103 of the Criminal Procedure Code might be followed. That was the right way of doing it in view of the fact that for the purpose of disposing of these unauthorised papers, it was laid down that it should be done according to Sections 523 to 525 of the same Code.

No remarks.

Clause 17. (Sub-Clause 2). Mr. Belur Srinivasa Iyengar pointed out that the phrase "as soon as may be" in the clause might mean 8 days or 10 or even more, and that it was therefore desirable to fix a time limit for the production of the property seized before the court.

The House agreed to omit the words "as soon as may be" appearing in the clause.

Clause 18. Mr. Girimaji Rao said that most of the boys who sell papers were young boys and they would not be in a position to know whether the paper they were selling was authorised or unauthorised. To inflict the punishment of imprisonment on these innocent boys would be very hard. So it was desirable to modify the clause to reduce its rigour so

so far as these ~~young~~ innocent boys were concerned.

The Chairman observed that the general exception under the Criminal Law would apply in such cases to a certain extent and the trying Magistrates also would use their discretion. In this view, there was no need to ~~change the~~ effect any change in the clause.

Clause 19. No remarks.

Clause 20. Mr. Belur Srinivasa Iyengar pointed out that no penalty was provided for the violation of this rule. He also suggested that this clause should be so modified as to direct the ~~post office~~ Postal authorities to stop transmission.

The Chairman pointed out that by a law enacted by the State, it would not be possible to give any directions to the Postal Department. All that could be done by the State was to place itself in a position where it could invoke the powers of the Governor General. The clause as it stood could do no harm. On the other hand, it would be of considerable use in invoking the help of the Postal Department.

Mr. Belur Srinivasa Iyengar did not agree with this view. He was for modifying the clause suitably.

Clause 21. Mr. D.H. Chandrasskharaiya said that the powers of the High Court under this Bill ~~are~~ were very limited. ~~This ought not to have been the case~~. For example, the High Court had no power to examine and decide whether in a particular case the security demanded by Government was heavy or not. The powers of the High Court should not ~~be~~ have been curtailed in this

manner. On the other hand, they should have powers to deal with all matters coming under this bill.

The Chairman observed that this would result ~~finally~~ in the High Court substituting its own judgement as regards the propriety of the action taken by the Government ~~as regards~~ in the matter of the quantum of punishment etc. Such a course was not possible. If the ~~Government~~ action of the Government was intra vires the High Court could not sit it judgment over that action. In respect of all important points referred to under Clause 4 ~~14~~ Government had yielded, ~~and it was not possible to empower the High Court to sit in judgment over other actions of the Government under this law~~. The suggestion of the mover amounted to giving all executive powers to the High Court, ~~which~~ which was not practicable.

Mr. Mahomed Abbas Khan suggested that the period of two months fixed in the clause for appealing to the High Court to set aside the order of forfeiture, be altered to 90 days.

This suggestion was accepted by the House.

Clause 22. Mr. Chandrasekharaiya said that there was no need ~~for~~ for a Special Bench to ~~the~~ dispose of the applications filed under Clause 21 and that they might be disposed of ~~by the~~ by a bench of two Judges.

After some discussion on this point, the House agreed to this suggestion. ~~and delete~~ The word "Special" in this and subsequent clauses was accordingly deleted.

Sub-clause (3). Mr. Chandrasekharaiya suggested that in the case of difference of opinion among the

Judges forming the Bench, the case might be referred to a Full Bench instead of the procedure suggested in the clause.

The Chairman said that it was a small matter and the clause might remain as it was.

Clauses 24 to 31. No discussion.

The discussion of all the clauses of the bill over, the meeting terminated at 3.30 p.m.

229

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THE MYSORE NEWSPAPERS BILL.

Select Committee Report.

We the members of the Select Committee to which the Mysore Press and Newspapers Bill was recommitted, ~~xxxxxxx xxxxxxx xx xxxxxxxx xxxxx xxxxx~~ heard the representatives of the Mysore Journalists' Association and the local paper Al-kalam and considered memoranda submitted by the Association and by some of the leading local papers. We have gone through the several clauses of the Bill in the light of the information so obtained and have the honour to submit the following report:-

Preamble.- We recommend that preamble may be changed as follows:-

> " WHEREAS it is expedient to provide for the better conti of the Press and the publication of newspapers and other works containing public news: It is hereby enacted as follows:-"

Clause 2 (2) - We recommend that the words at the end of th sub-clause, namely "whether printed, handwritten or typewritten may be omitted as the earlier words of the sub-clause are suffi ciently general.

Clause 2 (3) - We recommend that this clause may be deleted since the Magistrate intended in the subsequent clauses is clearly indicated in the respective places where that term occu The subsequent clauses may be renumbered.

Clause 2 (7) - In the renumbered sub-clause (7) and in the other places where the words " the Press and Registration of Books Act, 1867" occur, we recommend that the words "Act No.XXV of 1867" may be added immediately after the said expression in order to ~~clearly~~ specify clearly the Act intended.

Clause 3. - There was considerable discussion on the quest whether a keeper of a printing press making a declaration for t first time should be required to deposit any security, even tho it might be for ~~sufficient~~ reasons to be recorded in writing by Magistrate. The opinion of the committee (Messrs. Belur Srini Iyengar, D.H.Chandrasekharaiya and H.B.Gundappa dissenting) is that the clause may remain, as the demand for security is not compulsory in every case but is purely ~~optional~~ discretionary. ~~and would ordinarily depend on the antecedents of the person concerned~~. Further

the deposit has to be returned if the press does not transgress the provisions of the ~~next~~ following clause for a period of three months.

Clause 4. - In sub-clause (c) of this clause, we recommend that after the word "driver" the word "sepoy" and after the words "the Mysore Military Forces" the words "or any officer, soldier, sailor or airman in the Military, Naval, or Airforces of His Majesty the King Emperor of India" may be added to make the provision more comprehensive.

In sub-clause (d) we recommend that for the words " any clas or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore" the words "any class or section of the subjects of His Majesty the King Emperor of India or of His Highness the Maharaja may be substituted.

Similarly, we recommend that in sub-clause (h) for the words "different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects" the words "different classes of the subjects of His Majesty the King Emperor of India or of His Highness the Maharaja" may be substituted.

For the reason set out under sub-clause (c) above, we recommend that in sub-clause (i) after the words "Mysore Military Forces" the words " or in any of the Forces of His Majesty the King Emperor of India's ~~Forces~~" may be inserted.

In explanation (iv) to this clause the words "different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects" may be changed to "different classes of the subjects of His Majesty the King Emperor of India or of His Highness the Maharaja".

Clause 6. - The view was expressed by Messrs. Belur Srinivas Iyengar and D.H.Chandrasekharaiya that before the security was forfeited under this clause, a notice to show cause should be issued in the first instance and the security forfeited only if no satisfactory explanation was offered. But the others are of opinion that the clause may stand since the forfeiture contemplated under this clause is only for the second offence, the first being provided for in clause 4. There is also the right of appeal to the High Court given in ~~by~~ clause 21.

Clauses 7,8 & 10. - Messrs. Belur Srinivasa Iyengar and D.H.Chandrasekharaiya expressed the view that no initial deposit should be required of a publisher under clause 7 and that a notice should issue before forfeiture under clause 8 or 10. For the reasons set out under clause 3 and clause 6 the other members of the committee are of opinion that the clauses may stand as they are.

Clauses 11 and 12. - Messrs D.H.Chandrasekharaiya and Belur Srinivasa Iyengar expressed the opinion that the penalties under these clauses were unnecessary as sufficient punishment had been provided for under the preceding clauses. The others are however of opinion that these clauses are necessary and may be retained.

Clause 17. - In sub-clause (2) of clause 17 we recommend ~~on the suggestion of Mr. Belur Srinivasa Iyengar~~ that the words "as soon as may be" may be omitted.

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~~On the suggestion of Mr. Abbas Khan~~ we also recommend that the period allowed for ~~revision~~ applying to the High Court be raised from 60 to 90 days.

Clauses 22 and 23. - We recommend that the words "Special Bench" may be changed to "Bench".

~~On the suggestion of certain members of the committee,~~ we are also of opinion that the amount of security deposits specified in the Bill may be reduced and we therefore recommend that the amount of Rs.750/- mentioned in clauses 3(1) and 7(1) may be

reduced to Rs.500/-, that the amount of Rs.2,500/- mentioned in the proviso to 3(1), clause 3(3), the proviso to 7(1) and clause 7(3) may be reduced to Rs.2,000/- and that the amount of Rs. 7,500/- mentioned in clauses 5 and 9 may be reduced to Rs.6,000/-

As the Bill has not been altered materially, we recommend that it need not be republished.

BKR
11.11.39

MM
13/11/39

B. K. RAMAKRISHNAIYA, M.A. LL.B.,
Assistant Secretary to Government.

GENERAL AND REVENUE SECRETARIAT,

Bangalore, 14th November 1955.

Copy. The Select Committee.
D.O. No. P 3343-55/Rev.1.

Dear Sir,

I enclose herewith a copy of the draft report of the Select Committee on the Mysore Newspapers Bill and request that the same may kindly be returned with your approval as early as possible.

Yours sincerely,

BKR

Draft)

To
The Members of the Committee.

B. K. RAMAKRISHNAIYA, M.A., LL.B.,
Assistant Secretary to Government.
&
Secy. to the Select Committee.

GENERAL AND REVENUE SECRETARIAT,

Bangalore, 17th November 1939.

D.O. No. P 3343-55/Enc 1.

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Yours sincerely,

B K Ramakrishnaiya

approved and returned with compliments
H V Ramasvami
27.11.39
Bangalore

H.V.Ramasvami, Esq., M.A., B.L.,
Excise Commissioner in Mysore,
Bangalore.

GENERAL AND REVENUE SECRETARIAT.

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20 NOV. 1939

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B K Ramakrishnaiya

Rajasevaprasakta

B.T.Kesavaiengar, Esq., B.A.,

Chief Secretary to Government, Bangalore.

B. K. RAMAKRISHNAIYA, M.A., LL.B.,
Assistant Secretary to Government.
&
Secy. to the Select Committee.

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Yours sincerely,

B K Ramakrishnaiya

Dear Sir,

I am returning herewith with thanks the Draft-report duly signed by me.

Yours sincerely

Mohammed Abbas Khan

Khan Bahadur
Mahomed Abbas Khan,
Member, Mysore Legislative Council,
Arcot Srinivasachar Street, Bangalore City.

HE MYSORE NEWSPAPERS BII

Select Committee Report.

We, the members of the Select Committee to which th Mysore Press and Newspapers Bill was recommitted, heard the representatives of the Mysore Journalists' Associati and the local paper Al-kalam and considered memoranda su mitted by the Association and by some of the leading loc papers. We have gone through the several clauses of th Bill in the light of the information so obtained and hav the honour to submit the following report:-

We recommend that preamble may be changed as follow

"WHEREAS it is expedient to provide for the better control of the Press and the publication of newspapers and other works containing public news: It is hereby enacted as follows:-

Clause 2 (2) - We recommend that the words at the e of the sub-clause, namely, "whether printed, handwritten or typewritten" may be omitted as the earlier words of t sub-clause are sufficiently general.

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be recorded in writing by a Magistrate. The opinion of the committee (Messrs. Belur Srinivasa Iyengar, D.H.Chandrasekharaiya and H.B. Gundappa dissenting) is that the clause may remain, as the demand for security is not compulsory in every case but is purely discretionary. Further the deposit has to be returned if the press does not transgress the provisions of the following clause for a period of three months:-

Clause 4.- In sub-clause (c) of this clause, we recommend that after the word "driver" the word "sepoy" and after the words "the Mysore Military Forces" the words "or any officer, soldier, sailor or airman in the Military, Naval or Airforces of His Majesty the King Emperor of India" may be added to make the provision more comprehensive.

In sub-clause (d) we recommend that for the words "any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore" the words "any class or section of the subjects of His Majesty the King Emperor of India or of His Highness the Maharaja" may be substituted.

Similarly, we recommend that in sub-clause (h) for the words "different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects" the words "different classes of the subjects of His Majesty the King Emperor of India or of His Highness the Maharaja" may be substituted.

For the reasons set out under sub-clause (c) above, we recommend that in subclause (i) after the words "Mysore Military Forces" the words "or in any of the Forces of His Majesty the King Emperor of India's" may be inserted.

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Clause 6.- The view was expressed by Messrs. Belur Srinivasa Iyengar and D.H.Chandrasekharaiya that before the security was forfeited under this clause, a notice to show cause should be issued in the first instance and the security forfeited only if no satisfactory explanation was offered. But the others were of opinion that the clause may stand since the forfeiture contemplated under this clause is only for the second offence, the first being provided for in clause 4. There is also the right of appeal to the High Court given in clause 21.

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As the Bill has not been altered materially, we recommend t it need not be republished.

B. K. RAMAKRISHNAIYA, M.A., LL.B.,
Assistant Secretary to Government.
&
Secy. to the Select Committee.

SECT. LAW DEPT.
17 NOV. 1939
GOVT. OF MYSORE

GENERAL AND REVENUE SECRETARIAT,

Bangalore, 12th November 1939.

No. P 3343-35/Lect

Dear Sir,

I enclose herewith a copy of the Draft Report of the Select Committee on the Mysore News-papers Bill and request that the same may kindly be returned with your approval as early as possible.

Yours sincerely,

B K Ramakrishnaiya

C.Subrahmanya Aiyar, Esq., B.A., B.L.,
Secretary to Government, Law Department,
Bangalore.

THE MYSORE NEWSPAPERS BILL

Select Committee Report.

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We recommend that the preamble may be changed as follows:

"WHEREAS it is expedient to provide for the better control of the Press and the publication of newspapers and other works containing public news: It is hereby enacted as follows:-"

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As the Bill has not been altered materially, we recommend that it need not be republished.

No. 1, Mysore Road.

Bangalore City, 20th November 1938

To
The Secretary to the
Select Committee on the
Mysore News-papers Bill,
Bangalore.

Dear Sir,

With reference to your letter No.P3343-55 dated 17th instant I am returning herewith the draft report of the Select Committee on the Mysore News papers Bill duly approved.

Yours sincerely

THE MYSORE NEWSPAPERS BIL

Select Committee Report.

We, the members of the Select Committee to which the Mysore Press and Newspapers Bill was recommitted, heard the representatives of the Mysore Journalists' Association and the local paper Al-kalam and considered memoranda submitted by the Association and by some of the leading local papers. We have gone through the several clauses of the Bill in the light of the information so obtained and have the honour to submit the following report:-

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D. O. No. 386

GOVERNMENT ADVOCATE'S CHAMBERS,

PUBLIC OFFICES,

Bangalore, 20th Nov. 1939.

Dear Mr. Ramakrishnaiya,

I am returning herewith, duly approved the draft report of the Select Committee on the Mysore Newspapers Bill, received with your letter No. P. 3343-55, dated the 17th November 1939.

Yours sincerely,

Mysore Nataraja Iyer

B. K. Ramakrishnaiya, Esq., B.A., LL.B.,
Assistant Secretary to Government,
Bangalore.

THE MYSORE NEWSPAPERS BILL

Select Committee Report.

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Clause 3.- There was considerable discussion on the question whether a keeper of a printing press making a decl tion for the first time should be required to deposit any security, even though it might be for reasons to be recorde in writing by a magistrate. The opinion of the committee (Messrs. Bolur Srinivasa Iyengar, D. H. Chandrasekharaiya and H.D. Gundappa dissenting) is that the clause may remain.

emain, as the demand for security is not compulsory in every case but is purely discretionary. Further the deposit has to be returned if the press does not transgr the provisions of the following clause for a period of three months.

Clause 4.- In sub-clause (c) of this clause, we recommend that after the word "driver" the word "sepoy" and after the words "the Mysore Military Forces" the wor or any officer, soldier, sailor or airman in the milit naval or Airforces of His Majesty the King Emperor of India" may be added to make the provision more comprehen

In sub-clause (d) we recommend that for the words " any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Ma raja's subjects in Mysore" the words "any class or sectio the subjects of His Majesty the King Emperor of Ind of His Highness the Maharaja" may be substituted.

Similarly, we recommend that in sub-clause (h) for words "different classes of His Majesty the King Emperor India's or His Highness the Maharaja's subjects" the words "different classes of the subjects of His Majesty King Emperor of India or of His Highness the Maharaja" ay be substituted.

For the reasons set out under sub-clause (c) above, recommend that in sub-clause (i) after the words "Mys iliary Forces" the words "or in any of the Forces of H Majesty the King Emperor of India may be inserted.

In explanation (iv) to this clause the words & words "different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects of His Majesty the King Emperor of India or of His Highness the Maharaja."

Clause 6.- The view was expressed by Messrs. Polur

Belur Srinivasa Iyengar and D.H. Chandrasekharaiya that before the security was forfeited under this clause, a notice to show cause should be issued in the first instance and the security forfeited only if no satisfactory explanation was offered. But the others were of opinion that the clause may stand since the forfeiture contemplated under this clause is only for the second offence, the first being provided for in clause 4. There is also the right of appal to the High Court given in clause 21.

Clauses 7,8 and 10.- Messrs. Belur Srinivasa Iyengar and D.H.Chandrasekharaiya expressed the view that no initial deposit should be required of a publisher under clause 7 and that a notice should issue before forefeiture under clause 8 or 10. For the reasons set out under clause 3 and clause 6 the other members of the committee are of opinion that the clauses may stand as they are.

Clauses 11 and 12.- Messrs. D.H.Chandrasekharaiya and Belur Srinivasa Iyengar expressed the opinion that the enalties under these clauses were unnecessary as sufficient punishment had been provided for under the preceding clauses. The others are however of opinion that these clauses are secessary and may be retained.

Clause 17.- In sub-clause (2) [illegible] clause 17 we recommend that the words "as soon as may be" may be omitted.

Clause 20.- Mr. Belur Srinivasaiengar is of opinion that the clause as it stands provides for no penalty for transgressing its provisi[illegible] [illegible] inadequate to secure the object intended by it. As the other members of the committee consider that a clause like the existing one will be of considerable use in invoking the assistance of the authorities concerned, we recommend that the clause may be retained.

Clause 21.- Mr. D.H.Chandrasekharaiya wanted that

the High Court should be given power to examine and decide the question whether the security demanded or forfeited in any particular case was heavy or not. After discussion it was decided to retain the clause as it stands.

We also recommend that the period allowed for appealing to the High Court be raised from 60 to 90 days.

Clauses 22 and 23.- We recommend that the words "Special Bench" may be changed to "Bench"

We are also of opinion that the amount of security deposits specified in the Bill may be reduced and we therefore recommend that the amount of Rs.750/- mentioned in clause 3 (1) and 7(1) may be reduced to Rs.500/-, the amount of Rs.2,500/- mentioned in the proviso to 3(clause 3 (3), the proviso to 7(1) and clause 7(3) may be reduced to Rs.2,000/- and that the amount of Rs.7,500/- mentioned in clauses 8 and 9 may be reduced to Rs.6,000/-.

As the Bill has not been altered materially, we recommend that it need not be republished.

Approved

Mark Nakkan
Navamappa
Fort Advocate

3347/P.D.P/257

Tele {gram: POLICE
phone: 2108

POLICE DEPARTMENT.

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

No. C.208/39-40
Encl. 4.

Bangalore, dated November 22, 1939.

FROM

E. G. B. PEEL, Esq., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

23.11.39

GENL. & REV. SECRETARIAT
23 NOV. 1939

To

B.K.Ramakrishnaiya, Esq., M.A., LL.B.,
Assistant Secretary to Government
and Secretary to the Select Committee,
General and Revenue Secretariat, Bangalore.

SIR,

I have the honor to return, with my approval, the draft report of the Select Committee received with your letter No.P.3343-55/ dated 17th November 1939, except for the penultimate paragraph on page 2 of the draft which does not at present make sense.

I have the honor to be,
Sir,
Your most obedient servant,

Inspector General of Police.

22-XI

THE MYSORE NEWSPAPERS BILL

Select Committee Report.

We, the members of the Select Committee to which the Mysore Press and Newspapers Bill was recommitted, heard the representatives of the Mysore Journalists' Association and the local paper Al-kalam and considered memoranda submitted by the Association and by some of the leading local papers. We have gone through the several ~~xxx~~ clauses of the Bill in the light of the information so obtained and have the honour to submit the following report:-

PREAMBLE: We recommend that preamble may be changed as follows:

"WHEREAS it is expedient to provide for the better control of the Press and the publication of newspapers and other works containing public news: It is hereby enacted as follows:-"

Clause 2 (2) - We recommend that the words at the end of the sub-clause, namely, "whether printed, handwritten or typewritten" may be omitted as the earlier words of the sub-clause are sufficiently general.

remain, as the demand for security is not compulsory in every case but is purely discretionary. Further the deposit has to be returned if the press does not transgress the provisions of the following clause for a period of three months.

Clause 4.- In sub-clause (c) of this clause, we recommend that after the word "driver" the word "sepoy" and after the words "the Mysore Military Forces" the words "or any officer, soldier, sailor or airman in the Military, Naval or Airforces of His Majesty the King Emperor of India" may be added to make the provision more comprehensive.

In sub-clause (d) we recommend that for the words "any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore" the words "any class or section of the subjects of His Majesty the King Emperor of India or of His Highness the Maharaja" may be substituted.

Similarly, we recommend that in sub-clause (h) for the words "different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects" the words "different classes of the subjects of His Majesty the King Emperor of India or of His Highness the Maharaja" may be substituted.

For the reasons set out under sub-clause (c) above, we recommend that in sub-clause (i) after the words "Mysore Military Forces" the words "or in any of the Forces of His Majesty the King Emperor [illegible] may be [illegible] inserted.

In explanation (iv) to this clause the ~~word~~ words "different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects may be changed to different classes of the subjects of His Majesty the King Emperor of India or of His Highness the Maharaja."

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We also recommend that the period allowed for applying to the High Court be raised from 60 to 90 days.

Clauses 22 and 23.- We recommend that the words "Special Bench" may be changed to "Bench"

We are also of opinion that the amount of security deposits specified in the Bill may be reduced and we therefore recommend that the amount of Rs.750/- mentioned in clause 3 (1) and 7(1) may be reduced to Rs.500/-, that the amount of Rs.2,500/- mentioned in the proviso to 3(1) clause 3 (3), the proviso to 7(1) and clause 7(3) may be reduced to Rs.2,000/- and that the amount of Rs.7,500/- mentioned in clauses 5 and 9 may be reduced to Rs.5,000/-.

As the Bill has not been altered materially, we recommend that it need not be republished.

Hole-Narsipur

26.11.39

Dear Sir,

I have received the copy of the Draft Report of the Select Committee (on the Newspapers Bill) for my approval.

Yours sincerely

U.R. Subbaraoachar

To

B.K. Ramakrishnaiya, B.A.,
M.A., LL.B.,
Asst. Secretary
Bangalore.

We, the members of the Select Committee to which the Mysore Press and Newspapers Bill was recommitted, hear the representatives of the Mysore Journalists' Association and the local paper Al-kalam and considered memoranda submitted by the Association and by some of the leading loca papers. We have gone through the several ~~xxx~~ clauses of the Bill in the light of the information so obtained and have the honour to submit the following report:-

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As the Bill has not been altered materially, we recommend that it need not be republished.

Why was the report
sent to Mr Gundappa?
He has resigned from
the Committee.

BKR
25.11.81

D. V. Gundappa,
Member,
Mysore Legislative Council.

Nagasandra Road,
Basavangudi P.O.,
Bangalore City.

November 24, 1939.

B. K. Ramakrishnaiya Esq., M.A., LL.B.,
Secretary to the Select Committee
on the Mysore Newspapers Bill,
Mysore Legislative Council,
Bangalore.

Dear Sir,

In reply to your D.O. letter No. P.3343-55 dated the 17th instant, I have to state that I cannot either approve or sign the Draft Report (or the Final Report) of the Select Committee on the Mysore Newspapers Bill, as I ~~must~~ resigned the membership of that Committee by my letter of the 28th of September last, addressed to the Secretary to the Mysore Legislative Council, and as I did not either take part in or attend the subsequent meetings of the Committee in which the changes proposed in the Report were considered and passed.

Yours sincerely,

D. V. Gundappa

Member, Mysore Legislative Council.

1.936/RA.

269

D. H. CHANDRASEKHARAIYA, B.A., LL.B.
ADVOCATE AND
MEMBER, MYSORE LEGISLATIVE COUNCIL
SCHOOL BOARD AND DISTRICT BOARD

DAVANGERE

Date 28/11/39

3537/839

SECRETARIAT LAW DEPT.
29 NOV. 1939
GOVT. OF MYSORE

OFFICE OF THE SECRETARY
REPRESENTATIVE ASSEMBLY
LEGISLAT

29 NOV. 1939

Secretary
Legislative Council
Bangalore

Dear Sir

The Report of the Select Committee on the Press Bill of which I was a member is received by me. As I am drafting a note of dissent it has not been possible to return it. If there is urgency in publishing the Report you may kindly take it in my name as having been put to the Report subject to a note of dissent

yours sincerely
D. H. Chandrasekharaiya

will send the note on the 5th of next month.

Dear Sir,

I enclose herewith a copy of the draft Report of the S.C on the Indian News-papers Bill and regret that the same may kindly be revised with your additional as early as possible.

The Secretary
Mysore Legislative Council
Bangalore

Sir,

I agree with the report of the Select Committee on the Newspapers bill, subject to the points of dissent embodied therein.

Bangalore
12.12.39

Behr Sreenivasa
M.L.C.

3604/P039

STATE
MYSORE JOURNALISTS' ASSOCIATION, BANGALORE

REV. SECRETARY
2- DEC 1939

MYSORE CHAMBER OF COMMERCE BUILDING
KEMPE GOWDA ROAD
BANGALORE CITY

CHIEF SECRETARY
1. DEC 1939
GOVT. OF MYSORE.

Dated 1st December,

The Chief Secretary to
the Government of Mysore,
Old Public Offices,
BANGALORE CITY.

Dear Sir,

I am directed by the Mysore State Journalists' Association to forward to the Government the following resolution passed unanimously at its Annual Meeting held on Sunday the 26th November, 1939:

I beg to remain,
Dear Sir,
Yours obediently,
SECRETARY.

Resolution: "At a time when the new Reforms have been announced and extended privileges have been conferred upon the people in Mysore, the Mysore State Journalists' Association earnestly hopes that the Government of Mysore will see their way to withdraw the Mysore Newspapers Bill that is before the Legislative Council."

223 3690/39

G. Girimaji Rao,

MEMBER, LEGISLATIVE COUNCIL.

KOLAR,

Date 5th Dec 1939

Dear Sir,

In reply to your kind letter No N.P 3826-30 dated the 4th inst, in writing my attention to the reference of D.O. No: 3543-55 dated the 14th inst.

am sorry to say that I am not in receipt of the report of the Select Committee on the Newspapers Bill

Had I been received it, I would have sent it by return of post with my approval

yours sincerely,

G. Girimaji Rao

B. K. Ramakrishna Rao Yegna Narayana Rao, B.A.B.L.,

Assistant Secretary to Government

General and Revenue Secretariat

Bangalore

Dear Sir,

I am desired to invite reference to my D.O.No.1 3543-55 dated 14th November 1939 sending the report of the Select Committee on the Newspapers Bill ~~and your letter on the subject dated 28th November 1939~~ and ~~to request that the return of the same~~ [report] same [same] with your approval thereon may kindly be expedited.

Yours s:

276

G. Girimaji Rao,
MEMBER, LEGISLATIVE COUNCIL.

KOLAR,
Date 12th Dec 1939

Dear Sir,

I beg to enclose herewith the report of the Select Committee on the Mysore Newspapers Bill after it is being approved by the

Kindly acknowledge receipt of it.

Yours sincerely,

G. Girimaji Rao

To,

B.K. Ramakrishnaiya Esqre M.A., LL.B
Assistant Secretary to Government,
General and Revenue Secretariat
Bangalore

'HE MYSORE NEWSPAPERS BILL

Select Committee Report.

We, the members of the Select Commi[illegible] he Mysore Press and Newspapers Bill was recommitted, heard he representatives of the Mysore Journalists' Association nd the local paper Al-kalam and considered memoranda sub-itted by the Association and by some of the leading local apers. We have gone through the several ~~xxx~~ clauses of he Bill in the light of the information so obtained and ave the honour to submit the following report:-

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As the Bill has not been altered materially, we recommend that it need not be republished.

THE MYSORE NEWSPAPERS BILL

Select Committee Report.

We, the members of the Select Committee to which the Mysore Press and Newspapers Bill was recommitted, heard the representatives of the Mysore Journalists' Association and the local paper Al-kalam and considered memoranda submitted by the Association and by some of the leading local papers. We have gone through the several clauses of the Bill in the light of the information so obtained and have the honour to submit the following report:-

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Clause 2 (2) - We recommend that the words at the end

be recorded in writing by a Magistrate. The opinion of the committee (Messrs. Belur Srinivasa Iyengar, D.H. Chandrasekharaiya and H.B. Gundappa dissenting) is that the clause may remain, as the demand for security is not compulsory in every case but is purely discretionary. Further the deposit has to be returned if the press does not transgress the provisions of the following clause for a period of three months:-

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4299/39
P 639

D. H. CHANDRASEKHARAIYA, B.A., LL.B.
ADVOCATE AND
MEMBER, MYSORE LEGISLATIVE COUNCIL
SCHOOL BOARD AND DISTRICT BOARD

DAVANGERE

Date 30/12/39.

SECY. LEG. COUNCIL
GOVT OF MYSORE

To

The Secretary,
Legislative Council
Bangalore

Dear Sir,

I am hereby enclosing my note of dissent to be appended to the Report of the Select Committee on the Press and Newspapers Bill

Yours sincerely
D H Chandrasekharaiya

NOTE OF DISSENT
By Mr. D.H.Chandrasekharaiah

The New Press and News-papers Bill is said to have b introduced by the Government in response to a desire expr several times by the representatives of the people [illegible] in the exhisting Law contained in Act No. 111 of 1908. Ur the provisions of this Law, the Government are to be first approached for permission to edit, print and publish any n paper or other printed work. They are vested with absolute athority either to grant or refuse permission and also to wi -draw the permission once granted. Further, whenever any perso edits, prints, or publishes any news-paper or other printed work without first obtaining permission or after the permissi is withdrawn, he can be deported from the State and his Press confiscated. What is worse, the Government are not bound to assign reasons for any of their actions and their decessions a final.

As compared with this Law, which is declared with one ice to be too drastic, the proposed measure seems to be muc fer in some respects: First, initial permission need not be tained hereafter to edit, print or publish any Newspaper or her printed work. Secondly, the nature of the offences for ich the Government would take action will be clearly define d made known. Thirdly, the decisions of the Government in rtain matters can be contested in the highest Tribunalof th ate. Lastly, the punishment by way of deportation will be bstituted by the ordinary penal provisions.

I am aware that this new measure is met with severe position in certain quarters and especially at the hands of ose following the profession of Journalism. Their main

different methods. The proposed Bill involving the security method is no doubt modelled upon the British Indian Act. But the circumstances under which that Act came into existance and the results of its operation have not been quite encouraging. Besides, it does not seem to be fair to proceed with this controversial measure in the face of the adverse note of the Representative Assembly. I sincerely wish that it were possible to devise a method satisfactory to all parties and that even now action may be taken accordingly.

However, since it is not possible to know what the Government might do in the matter I desire to plead for incorporating at least the following changes in the proposed Bill:-

(1) Security need not be required by the Magistrate when the declaration is made before him for the first time by the keeper of a Press or the publisher of a News-paper under sections 4 or 5 as the case may be, of the Press and Registration of Books Act 1867. But when a second declaration is made by any of them after the first is annulled as a result of the noticing of the offences described in clause 4 (1), the Magistrate before whom the declaration is made may require security for reasons to be recorded in writing.

(2) The Government may order deposit of security by the keeper of a Press or the publisher of a News-paper under clauses 3 (3) and 7 (3) or the forfeiture of the security under clauses 4 and 8 only after issuing a show-cause notice to the persons conserned

(3) The maximum amounts of security provided under the several clauses may be reduced to half the amounts proposed by the Select Committee and no minimum level need be compulsorily fixed.

(4) The High Court may be empowered to decide questions connected with all the orders relating to the demand or forfeature of security.

I conclude this note in the earnest hope that my humble suggestions stated above will receive the kind consideration of all ~~practical-minded persons~~. Here who are interested in the liberty of the Press consistent with the practical necessities of the time.

F. H. Chandrasekhar Iyer

I beg to move that the report of the Select Committee on the Mysore Press and Newspapers Bill and the Bill as amended by them be taken into consideration.

Members are aware that the Bill which was referred to the Select Committee had already gone through an earlier Committee which was enlarged later, by the addition of four more members of this House. This enlarged Committee has now gone through the Bill. They heard representatives of and considered Memoranda submitted by the Journalists Association and some of the leading local journals and newspapers. In the light of the information so obtained and of the discussions in this Council last year when the Bill was before it, they have scrutinised the Bill in detail and have made some changes in the Bill which are indicated in the Select Committee Report.

Since then however, representations have been received by the Government that amendments similar to those tabled by Mr. D.H.Chandrasekharaiya might, with advantage, be incorporated in the Bill and will facilitate the acceptance of the Bill as so amended on all hands.

These amendments may be considered broadly under three heads. The first is that the provision for demanding security from a keeper of a press or the publisher of a paper at the outset should be deleted. Secondly, it is suggested that a notice to show cause should issue in every case before taking action under this measure. Thirdly the amounts of security demandable under the various provisions of this Bill, it is suggested, may be reduced by half.

Considering the last suggestion first, let me at once state on behalf of Government, that we are prepared to accept the amendment and have no objection to reduce the amounts by half.

In regard to the second category of amendments, I would

like to say a few words. In the first place, I might assure the mebers that in practise not only will the person affected get a right to represent why action should not be taken against him, but action will normally not be taken before giving him issuing warnings to him once or even twice. In certain circumstances, it is quite conceivable that speedy action is necessary to stop dissemination of mischievous matter and in such cases, the mischief sought to be avoided will have been done if the amendment is allowed.

Secondly there is the right given in the Bill itself to the aggrieved party to invoke the aid of a Court of Law. Under Clause 21 an application may be made to the High Court to set aside such order if the facts did not warrant it.

Further, it is only if the Government is satisfied that the Press is publishing objectionable matter that security is demanded or an order of forfeiture is made and I am sure the members do not need an assurance from me that we are not going to abuse the powers so given.

If, in spite of all that I have said above, the members still desire that a provision should be made for a notice to show cause in all cases before making an order under this measure, Government are prepared to consider and if required even accept it.

Coming to the first category of amendments, I am afraid the result will be to destroy the entire object of the Bill. As Sir James Crerar stated in replying to a motion for a similar amendment when the British Indian Act was before the Legislative Assembly, "The omission of (these sub-clauses) would completely nullify the whole of the structure and purpose of the Bill". Where the antecedents and past history of an individual require that a restraint should be imposed on his further activities in this field where it is possible to do any amount of harm before he can be touched, It is surely reasonable to take power to impose that restraint.

I would invite the attention of the members to the very careful way in which the relevant clauses are worded. The Magistrate has to give reasons in writing why he considers the demand of initial deposit expedient in any case. Secondly it is entirely optional. And lastly, under sub-clause (2) of Clauses 3 and 7, even though security has been demanded and deposited, if the keeper of published does not offend under this Bill, the security has to be refunded. There is no option here. The refund has to be made.

All the arguments for the deletion of these provisions seem to proceed on the assumption that they will be deliberately, continuously and invariably abused by rhe authorities to whom any discretion is given. I am sure, there are no grounds for believing that they will be operated unduly harshl by the Magistrates who have to deal with the applications. In fact such an argument would go aginst all legislation, because all legislation is liable to be abused.

There is, memebrs must be aware, a certain class of journals that treatsof and treats only of sporting news often of an obviously undesirable nature. It is desirable that there should be power in Government of the kind now objected to to keep them in restraint and under control.

Considering that the amounts of security deposits are reduced to almost nominal proportions, I regret, it may not be possible to delete these provisions, which are, if I may say so, the very backbone of the Bill.

OFFICE OF THE FIRST MEMBER OF COUNCIL.

Nyasa Newspapers Bill

Amendment No 14

Please see if this can be accepted without concern, inconsistency in the various provisions of the bill.

This Amendment refers to a reduction in the amounts of Security Deposits and there will be no inconsistency in the provisions of the Bill if allowed.

THE NEWSPAPERS BILL.

I move that the report of the Select Committee on the Bill to provide for the better control of the publication of newspapers and other printed works containing public news and the Bill as amended by them be taken into consideration.

The Select Committee to which this Bill was referred, has not made any material alteration. Clause 3 has been omitted in accordance with the promise made by Government in both the Houses. The amount of securities specified in the various provisions of the Bill has however been considerably reduced.

I move that the following amendments be made to the Mysore Press and newspapers Bill.

(1) In item (c) of sub clause (1) of clause 4 of the Bill as amended by the Select Committee, insert the words " or any officer, soldier, sailor or airman in the Military, Naval or Air Forces of His Majesty" after the words "the Mysore Military Forces":

(2) In item (i) of sub-clause (1) of clause 4 insert the words " or in any of His Majesty's Forces" after the words " Mysore Military Forces."

After the Bill was amended by the Select Committee it was found that items (c) and (i) of Sub Clause (1) of Clause

Clause 4 gave no protection to the British Military forces though there were analogous references in items (d) and (h). This omission is now sought to be remedied by this amendment.

THE NEWSPAPERS BILL.

At this stage it may not be necessary to speak at length on any of the provisions of this Bill, They were all discussed when the Bill was introduced in the Assembly and when it was read before this House. There was a persistent demand from persons of all shades of opinion that the existing Press Act was very drastic and required to be replaced by a more lenient measure. The present Bill is based almost entirely on the lines of the corresponding Act in force in British India. ~~In~~ The Select Committee to which this Bill was referred, ~~it~~ has not ~~undergone~~ made any material alteration. Clause 3 has been omitted in accordance with the promise made by Government in both the Houses. The amount of securities specified in the various provisions of the Bill has however been considerably reduced.

~~Motion re amendment.~~

After the Bill was amended by the Select Committee it was found that items (c) and (i) of Sub Clause (1) of Clause 4 gave no protection to the British Military forces through there were analogous references in items (d) and (h). This omission is now sought to be remedied by this amendment.

Put the motion here

~~motion~~ move that the report of the Select Committee on the Bill to provide for the better control of the publication of newspapers and other printed works containing public news and the Bill as amended by the ~~Sam~~ be taken into consideration

Leave space for then put down motion for amendments

I move that the following amendment be made ~~to the Bill to provide for the~~ the Indian Press + newspapers Bill

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

——:o:——

As amended by the Select Committee.

(*Omissions are enclosed in square brackets and additions are indicated in italics.*)

["WHEREAS it is expedient to amend the law providing for the better control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows:—]

"*Whereas it is expedient to provide for the better control of the Press and the Publication of Newspapers and other works containing public news; It is hereby enacted as follows* :—

1. (1) This Act may be called the Mysore Press and Newspapers Act, 19 .

(2) It extends to the whole of Mysore.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation [whether printed, hand-written or type written];

[(3) "Magistrate" means a District Magistrate;]

[(4)] (*3*) "newspaper" means any periodical work containing public news or comments on public news;

[(5)] (*4*) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 4;

[(6)] (*5*) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

[(7)] (*6*) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

[(8)] (*7*) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not, for the time being, valid declarations under section 5 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No. XXV of 1867*, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required;

[(9)] (*8*) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 15 to publish it; and

[(10)] (*9*) "undeclared press" means any press in respect of which there is not, for the time being, a valid declaration under section 4 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No. XXV of 1867*, as in force in Mysore.

Control of Printing Presses and Newspapers.

3. (1) (a) Any person keeping a printing press who is required to make a declaration under section 4 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No. XXV of 1867*, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than [seven hundred and fifty] ~~*five hundred*~~ *rupees*, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to two thousand [and five hundred] rupees.

(2) Where security required uuder sub-section (1) has been deposited in respect of any printing press, and

(b) Any person keeping a printing press who has been required to deposit security under sub-s. (1) may within thirty days of the date of the order of the Magistrate appeal against it to the Court which

for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 4 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which no security under the provisions of this Act has been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may, ~~by~~ issue notice in writing to the keeper of the press stating or describing such words, signs or visible representations, (to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the Govt. the Govt. may, by further notice in writing) order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not ~~being less than five hundred or~~ more than ~~two~~ thousand [five hundred] rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall in each case appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the explanation shall be given or the deposit shall be made.

Power to declare security or press forfeited in certain cases.

4. (1) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly,

(*c*) to seduce any officer, sowar, driver, *sepoy* or follower in the Mysore Military Forces *or any officer, soldier, sailor or airman in the military, naval or airforces of His*

Majesty the King-Emperor of India or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty the King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or [any class or section of His Majesty the King-Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore,] *any class or section of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja*, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of land revenue, tax, rate, cess or other due or amount payable to the Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between [different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects] *different classes of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja* or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, *or in any of the forces of His Majesty the King-Emperor of India*, or in any police force, or to prejudice the training, discipline or administration, of any such force,

the Government may, ~~by~~ notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare such security or any portion thereof to be forfeited to the Government.

to show cause why such security should not be declared to be forfeited and on his failure to explain to the satisfaction of the Govt, the Govt may by further notice in writing

Explanation (*i*)—No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (*a*).

(*ii*) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iii*) Comments expressing disapporobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iv*) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between [different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects] *different classes of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja* shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of [the Press and Registration of Books Act, 1867,] *the Indian Press and Registration of Books Act, No. XXV of 1867*, as in force in Mysore, shall be deemed to be annulled.

(3) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in sub-section (1), the Government may, by notice in writing to the keeper of such printing press stating or describing such words signs or visible representations which in its opinion are of the nature mentioned above, declare the press to be forfeited to the Government.

(4) The Government may in addition to forfeiting the deposit or any portion thereof under sub-section (1),

or forfeiting the press under sub-section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to the Government.

Deposit of further security.

5. (1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section 4 or section 6, every person making a fresh declaration in respect of such press under section 4 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No, XXV of 1867* as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount not being ~~less than one thousand or~~ more than [seven thousand five hundred] ~~six~~ *thousand* rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 4 or section 6 any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and publications forfeited.

6. (1) If after security has been deposited under section 5, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4, sub-section (1); the Government may, by notice in writing to the keeper of such printing press, stating or describing such words signs or visible representations, declare

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No. XXV 1867*, as in force in Mysore, shall be deemed to be annulled.

7. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No. XXV of 1867*, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than [seven hundred and fifty] ~~five hundred~~ rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Deposit of security by publisher of newspaper

two hundred and fifty

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to ~~two~~ thousand [five hundred] rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 8 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which no security under the provisions of this Act has been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may, ~~by~~ notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount not being less than five hundred or more than ~~two~~ thousand [five hundred] rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

issue

to show cause why he should not be ordered to furnish security or on his failure to explain to the satisfaction of the Govt the Govt may, by further notice in writing,

(4) Such notice shall appoint in each case a date not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

the explanation shall be given

7 (1)(b) Any publisher of a newspaper who has been ordered to deposit security under sub-section (1)(a) may within thirty days of the date of the order of the Magistrate appeal against it to the Govt which may pass such order as it deems fit on such appeal

Power to declare security forfeited in certain cases.

8. (1) If any newspaper in respect of which a security has been ordered to be deposited under section contains any words, signs or visible representations whic in the opinion of the Government are of the nature d cribed in section 4, sub-section (1), the Government ma ~~by~~ notice in writing to the publisher of such newspap stating or describing such words, signs or visible represe tations—

to show cause why such security should not be forfeited and on his failure to explain to the satisfaction of the Govt. the Govt may by further notice in writing

(*a*) where the security has been deposited, decla such security, or any portion thereof, to forfeited to the Government, or

(*b*) where the security has not been deposite annul the declaration made by the publish of such newspaper under section 5 of [t Press and Registration of Books Act, 186 *the Indian Press and Registration of Boo Act No. XXV of 1867*, as in force in Myso

and may also declare all copies of such newspap wherever found in Mysore, to be forfeited to the Gove ment.

(2) After the expiry of ten days from the date issue of a notice under sub-section (1) declaring a securi or any portion thereof, to be forfeited, the declarati made by the publisher of such newspaper under section 5 [the Press and Registration of Books Act, 1867] *the Indi Press and Registration of Books Act No. XXV of 18* as in force in Mysore, shall be deemed to be annulled.

9. (1) Where the security given in respect of a newspaper, or any portion thereof, is declared forfeit under section 8 or section 10, any person making a fre declaration under section 5 of [the Press and Registrati of Books Act, 1867] *the Indian Press and Registration Books Act No. XXV of 1867*, as in force in Mysore, publisher of such newspaper, or any other newspaper whi is the same in substance as the said newspaper, sh deposit with the Magistrate before whom the declarati is made, security to such an amount, not being ~~less th one thousand or~~ more than [seven thousand five hundre ~~six~~ *thousand* rupees as the Magistrate may think fit require, in money or the equivalent thereof in securit of the Government of Mysore as the person making t deposit may choose.

(2) Where a portion only of the security given respect of such newspaper has been declared forfeit

under section 8 or section 10, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

10. (1) If, after security has been deposited under section 9, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of [the Press and Registration of Books Act, 1867,] *the Indian Press and Registration of Book Act No. XXV of 1876* as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

11. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 3 or section 5 as required by the Government or the Magistrate, as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore.*

(2) Whoever publishes any newspaper without making a deposit under section 7 or section 9, as required by the Government or the Magistrate, as the case may be, or publishes such newspaper knowing that such security has not been deposited shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Book Act No. XXV of 1867.*

12. (1) Where a deposit is required from the keeper of a printing press under section 3 such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 5, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 7 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of [the Press Registration of Books Act, 1867] *the Indian Press and Registration of Books Act No. XXV of 1867* as in force in Mysore, shall be deemed to be annulled.'

13. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act No. XXV of 1867* as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

14. Where any printing press is, or any copies of any newspaper, book or other document are declared forfeited to the Government under section 4, section 6, section 8, section 10, or section 12 the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(i) where any such property may be or may be reasonably suspected to be, or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept

Unauthorised news-sheets and newspapers

15. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

16. (1) Any police officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newpapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

17. (1) Where a District Magistrate or Sub-divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter

upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, [as soon as may be,] all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce ɜfore the Court only such parts thereof as he may think

(3) If such Court, after such inquiry as it may ɜem requisite, is of opinion that a press seized under this ɜction is an undeclared press which is used to produce ɪ unauthorised news-sheet or unauthorised newspaper, may, by order in writing, declare the press to be forfeited) the Government. If after such inquiry the Court is ɔt of such opinion, it shall dispose of the press in the ıanner provided in sections 523, 524 and 525 of the Code f Criminal Procedure, 1904.

(4) The Court shall deal with documents produced ɜfore it under this section in the manner provided in ıb-section (4) of section 16.

18. (1) Whoever makes, sells, distributes, publishes : publicly exhibits or keeps for sale, distribution or ıblication, any unauthorised news-sheet or newspaper, ıall be punishable with imprisonment which may extend) six months, or with fine, or with both.

(2) Notwithstanding anything contained in the ode of Criminal Procedure, 1904, any offence punishable ıder sub-section (1), and any abetment of any such fence shall be cognizable.

the nature described in section 4, sub-section (1), th Government may, by notification in the official Gazette stating the grounds of its opinion, declare every copy of th issue of the newspaper and every copy of such book or othe document to be forfeited to the Government and thereupo any police officer may seize the same wherever found i Mysore and any Magistrate may by warrant authorise an police officer not below the rank of Sub-Inspector to ente upon and search for the same in any premises where an copy of such issue or any such book or other documen may be reasonably suspected to be.

20. No unauthorised news-sheet or unauthorise newspaper shall be transmitted by post.

Powers of High Court.

21. (1) The keeper of a printing press who has bee ordered to deposit security under sub-section (3) o section 3 or the publisher of a newspaper who has bee ordered to deposit security under sub-section (3) of sectio 7 or any person having an interest in any property i respect of which an order of forfeiture has been mad under section 4, section 6, section 8, section 10 or sectio 19 may, within [two months] *ninety days* from the da of such order, apply to the High Court to set aside suc order, and the High Court shall decide if the newspape book or other document in respect of which the order wa made did or did not contain any words, signs or visibl representation of the nature described in Section 4, sub section (1).

(2) The keeper of a printing press in respect c which an order of forfeiture has been made under sub section (2) of section 12 on the ground that it has bee used in contravention of sub-section (1) of that sectio may apply to the High Court to set aside the order on th ground that the press was not so used.

22. Every such application shall be heard an determined by a [Special] Bench of the High Court con sisting of not less than two Judges.

23. (1) If it appears to the [Special] Bench on a application under sub-section (1) of section 21 that th words, signs or visible representations contained in th newspaper, book or other document in respect of whic the order in question was made were not of the nature described in section 4, sub-section (1), the [Special] Bench shall set aside the order.

(2) If it appears to the [Special] Bench on an application under sub-section (2) of section 21 that the printing press was not used in contravention of sub-section (1) of section 12, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the [Special] Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

24. On the hearing of an application under sub-section (1) of section 21 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made.

25. The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

26. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act No. XXV of 1867*, as in force in Mysore, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the

publisher's declaration under Section 5 of the said Act: and thereupon the notice shall be deemed to have been duly served.

27. Every warrant issued under this Act, shall so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904. **Conduct of search.**

28. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 21 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act. **Jurisdiction barred.**

29. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act. **Operation of other laws not barred.**

30. All declarations required to be made under section 4, Section 5 and Section 8 of [the Press and Registration of Books Act 1867] *the Indian Press and Registration of Books Act No. XXV of 1867,* as in force in Mysore, shall be made before a District Magistrate. **Declaration before whom to be made.**

31. The Mysore Newspapers Act III of 1908 is hereby repealed. **Repeal.**

The Agricultural Produce (Grading and Marking) Bill

1. Motion that the report of the Select Committee on the Bill and the Bill as amended by them be taken into consideration.

   MOVER.—*Rajamantrapravina* K. V. Anantaraman.

   SECONDER.—Mr. Charles Noronha.

2. Motion that the Bill as amended by the Select Committee be passed.

   MOVER.—*Rajamantrapravina* K. V. Anantaraman.

   SECONDER.—Mr. Charles Noronha.

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

1. Motion that the report of the Select Committee on the Bill and the Bill as amended by them be taken into consideration.

   MOVER.—*Rajamantrapravina* N. Madhava Rau.

   SECONDER.—Mr. C. Subrahmanya Aiyar.

AMENDMENTS.

Amendment No. 1.—Omit sub-clauses (1) and (2) of Clause 3.

Amendment No. 2.—Sub-clauses (3) and (4) of Clause 3 re-numbered as sub-clauses (1) and (2) respectively be revised as follows :—

(1) Whenever it appears to the Government that any printing press in respect of which a declaration is made under Section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in Section 4, Sub-section (1), the Government may issue notice in writing to the keeper of the press stating or describing such words, signs or visible representations to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing, order him to deposit with the Magistrate within whose jurisdiction the press is situated, security to such an amount not being more than one thousand rupees as the Government may in each case think fit to require in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Such notices shall in each case appoint a date not being sooner than the tenth day after the date of the notice on or before which the explanation shall be given or the deposit shall be made.

Amendment No. 3.—In clause 4 (1) (*a*), delete the following words:

"or tend to incite or to encourage."

Amendment No. 4.—In clause 4 (2), delete the word and figure "or 3" in lines 3 and 4.

Amendment No. 5.—The para immediately above the explanations to clause 4 (1) may be revised as follows :—

"The Government may issue notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, to show cause why such security should not be ordered to be forfeited and on his failure to explain to the satisfaction of the Government may by further notice in writing declare such security or any portion thereof to be forfeited to Government."

Amendment No. 6.—In clause 5 (1), the words commencing from "shall deposit" in line 6 till the end of the para be substituted by the following words:—

"may be required by the Magistrate before whom the declaration is made for reasons to be recorded in writing to deposit with the Magistrate within ten days from the day on which the declaration is made security to such an amount not being more than five hundred rupees as the Magistrate may, in each case, think fit to require in money or the equivalent thereof in securities of the Government of Mysore as the persons making the deposit may choose."

Mr. B. R. Puttananjappa

Q.—**85.** Will the Government be pleased to state—

(*a*) the population whose mother-tongue is Kannada, according to the Mysore census of 1931 ;

(*b*) the number of persons who could speak Kannada; the number of those who could read and write Kannada ?

Mr. B. R. Puttananjappa.—

Q.—**86.** Will the Government be pleased to state—

(*a*) the number of cases in which the provisions of the Mysore Public Security Act have been applied so far; the several courses of action taken under the Act and the purpose for which action was taken;

(*b*) the number of people restrained under the Public Security Act and the grounds on which they were kept in custody ; the restrictions that were imposed on them and the arrangements made for their food ;

(*c*) the number of people who were interned in their own houses or in their own places and the number of those who were interned elsewhere ?

2. Motion that the Bill be referred to a Select Committee with directions submit the Report during the Session of this Council.

MOVER.—*Rajamantrapravina* N. Madhava Rau.

SECONDER.—Mr. C. Subrahmanya Aiyar

3. Motion that the Report of the Select Committee on the Bill and the Bill as amended by them be taken into consideration.

MOVER.—*Rajamantrapravina* N. Madhava Rau.

SECONDER—Mr. C. Subrahmanya Aiyar.

4. Motion that the Bill as amended by the Select Committee be passed.

MOVER—*Rajamantrapravina* N. Madhava Rau.

SECONDER—Mr. C. Subrahmanya Aiyar.

egistration of Foreigners Bill.

lotion that the Bill published under Rule 8 of Rules of Business be read in Council.

MOVER.—*Rajamantrapravina* N. Madhava Rau

SECONDER.—Mr. C. Subrahmanya Aiyar.

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MOVER.—*Rajamantrapravina* N. Madhava Rau

SECONDER.—Mr. C. Subrahmanya Aiyar.

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SECONDER.—Mr. C. Subrahmanya Aiyar.

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SECONDER.—Mr. C. Subrahmanya Aiyar.

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MOVER.—*Rajamantrapravina* K. V. Anantaraman

SECONDER—Mr. C. Subrahmanya Aiyar.

Amendment No. 7.—Omit sub-clauses (1) and (2) of clause 7.

Amendment No. 8.—Sub-clauses (3) and (4) of Clause 7 re-numbered as Clauses ınd 2 respectively be revised as in the amendment No. (2) with the following anges:—

(i) Substitute the words " newspapers published in Mysore " for the words ıny printing press ";

(ii) Substitute the word "contains" for the words "is used for the purpose printing or publishing any newspaper, book or other document";

(iii) Substitute the word and figure "Section 5" for the word and figure Section 4";

(iv) Substitute the words "the publisher of such paper" for the words "the eper of the press";

(v) Substitute the words "the newspaper is published" for the words "the ess is situated"

Amendment No. 9.—Clause 8 (1) be revised as follov

"Whenever it appears to the Government that any newspaper in respect of which any security has been ordered to be deposited under Section 7 contains words, signs or visible representations which in the opinion of the Government are of the nature described in Section 4, sub-section (1), the Government may issue notice in writing to the publisher of such paper stating or describing such words, signs or visible representations

AMENDMENT No. 1

This amendment seeks to dispense with the right to demand initial security from the keeper of a printing press and to demand enhanced security where no initial secuiry has been demanded or if demanded has been returned and the Press offends section 4.

In replying to a motion for a similar amendment in the Central Assembly Sir James Crerar said: "The omission (of these sub-clauses) would completely nullify the whole of the structure and purpose of the Bill" (page 1329. L.A.Debates 1931-Vol 6)

All the arguments advanced for the deletion of these sub-clauses proceed on the assumption that these provisions will be deliberatbly, continuously and invariably abused by the authorities to whom any discretion is given. There are no grounds for believing that these sub-clauses would be operated unduly harshly by the Magistrates who have to deal with the applications. Such an argument will go against all legislation because all legislation is liably to be abused.

The Select Committee considered this in great detail and decided by a majority to retain these clauses.

AMENDMENT No.2

This is consequential on the first.

Further it wantsn a notice to show cause to issue before th Government demands security.

The argument which this amendment embodies, namely to judicialise the prouedure forgets that the essence of the matter is speedy action and if the amendment is allowed, the mischief sought to be avoided will have been done by the time the machinery is set in motion.

Secondly, the Government have to be satisfied that the press is publishing objectionable matter before demanding security and immediately after the security is demanded, "the full armoury of what may be called judicial proceeding is donned" and the High Court gets the right to go into the question.

AMENDMENT No. 3.

"Having regard to the objects of the Bill, it is clear that if a writer attempts to provoke that effect, that must come within the scope of the Bill." With these remarks the Law Member opposed a similar motion in the Central Assembly.

Once a keeper of a press attempts to incite or encourage, whether he succeds or not is something beyond his control and his culpability ought not to depend on such circumstance but on his own acts.

AMENDMENT No. 4.

This amendment is merely consequential on the Mr. Jinnah's amendment for, this also deposit

The deletion is evidently from 4 (3) and not 4(2)

The effect of this amendment will be that an offender under 4 (3) will be less severly punished than an offender under 4 (1) even though 4 (3) is a more serious offence than 4 (1)

AMENDMENT No. 5

This seeks to provide for a notice to show cause before security is forfeited when the press offends against 4 (1)

Same reply as in respect of amendment (2)

The forfeiture is in respect of presses from which a deposit has been considered necessary to demand, that is, presses which are not free from suspicion, at then outset. And they must have offended before the forfeiture is ordered. Secondly the order is subject to judicial cognisance by the High Court under 23.

AMENDMENT No. 6

Clause 5 deals with a press which has offended against clause 4 or 6 and security has therefore been forfeited. In such cases the keeper is required to deposit a fresh security before commencing to work the press. The amendment tries to make this d mand of security a matter of option and also tries to reduce the security demandable.

AMENDMENT No. 7

This is similar to amendment No. 1 and refers to a

publisher of a newspaper.

The arguments set out against it under amendment No. 1 apply here also.

AMENDMENT No. 8

This is similar to amendment No. 2 and is consequential on amendment No. 7. The amendments suggested in the body of the motion evidently meant that they have to be incorporated in sub-clauses (1) and (2) of clause 3, as proposed by the Mover in Amendment N .2.

AMENDMENT No.9.

This is similar to amendment No. 5 and requires the issue of a notice to show cause, before forfeiting security where a newspaper which has been required to deposit security under clause 7 offends under clause 4.

The arguments advanced against amendment No. 5 apply here also.

AMENDMENT No. 10.

Clause 9 corresponds to clause 5 with respect to a newspaper and applies only where security is declared forfeited and a fresh declaration is sought to be made , i.e., where the newspaper has evinced definitely improper propensities.

AMENDMENT No. 11.

Clause 11 governs cases where a deposit is demanded but not deposited and is essential for punishing a person in possession of such a press, or publishing such a newspaper

AMENDMENT No. 12.

(i) and (ii)

This amendment requires that an order under 3 (1) or 5 (1) or 7 (1) should be made subject to an application to the High Court. These sub-clauses treat of cases of demand of security.

It will be observed that a Magistrate acting under these sub-clauses is not proceeding upon matter which offends under

Remedies against inconvenience have also been provided by requiring the Magistrate to record in writing his reasons for passing such an order which is liable to scrutiny by the Government. Secondly in regard to clauses 3(1)(press) and 7(1)(newspaper) the proviso to those clauses provide that if the press or paper does not offend within three months from the declaration, the deposit has to be automatically returned.

If the keeper fails and the security is forfeited, then the High Court gets seized of the matter.

(iii)
This amendment amounts to allowing the judiciary to enquire into executive action and is not desirable. Secondly this amendment depends on the previous amendments (i) and (ii) against which reasons have been adduced.

AMENDMENTS No. 13.

This is similar to amendment no. (iii) of 12 and is inadmissible on similar grounds.

AMENDMENT NO. 14

Seeks to reduce the amounts of security under this measure. The amounts have already been reduced as under:-

CLAUSE.	ORIGINAL BILL.	FIRST SELECT COMMITTEE.	SECOND SELECT COMMITTEE.
3(1) 7(1)	1000.	750.	500.
3(1)proviso 3(3) 7(1)proviso 7(3)	3000	2500	2000
5 9	10000	7500	6000

As the scheme of the Bill is a system of graduated punishments depending for its severity on the previous history of the press or newppaper, as the case may be, the reduction made already is perhapd quite adequate.

Bill to provide for the better control of the publication of Newspapers and other printed works containing public news.

AMENDMENTS.

Amendment No.1.

Omit sub-clauses (1) and (2) of Clause 3.

Amendment No. 2.

Sub-clauses (3) and (4) of Clause 3 re-numbered as sub-clauses (1) and (2) respectively be revised as follows:--

(1) Whenever it appears to the Government that any printing press in respect of which a declaration is made under Section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in Section 4 Sub-section (1), the Government may issue notice in writing to the keeper of the press stating or describing such words, signs or visible representations to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the Government, the Government may by further notice in writing, order him to deposit with the Magistrate within whose jurisdiction the press is situated, security to such an amount not being more than one thousand rupees as the Government may in each case think fit to require in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Such notices shall in each case appoint a date not being sooner than the tenth day after the date of the

notice

notice on or before which the explanation shall be given or the deposit shall be made;

Amendment No. 3.- In clause 4 (1) (a), delete the following words:

"or tend to incite or to encourage"

Amendment No. 4.- In clause 4 (2), delete the word and figure "or 3" in lines 3 and 4.

Amendment No.5.-The para immediately above the explanations to clause 4 (1) may be revised as follows:--

> "The Government may issue notice in writing to the keeper of such printing press stating or describing the words, signs, or visible representations which in its opinion are of the nature described above, to show cause why such security should not be ordered to be forfeited and on his failure to explain to the satisfaction of the Government may by further notice in writing declare such security or any portion thereof to be forfeited to Government."

Amendment No. 6.- In clause 5 (1), the words commencing from "shall deposit" in line 6 till the end of the para be substituted by the following words:--

> "may be required by the Magistrate before whom the declaration is made for reasons to be recorded in writing to deposit with the Magistrate within ten days from the day on which the declaration is made security to such an amount not being more than five hundred rupees as the Magistrate may, in each case, think fit to require in money or the equivalent thereof in securities of the Government of Mysore as the persons making the deposit may choose."

Amendment No. 7.- Omit sub-clauses (1) and (2) of Clause 7.

Amendment No.8.- Sub-clauses (3) and (4) of Clause 7 renumbered as Clauses 1 & 2 respectively be revised as in the amendment No. (2) with the following changes:--

(i) Substitute the words "newspaper published in Mysore" for the words "any printing press";

(ii) Substitute the word "contains" for the words "is used for the purpose of printing or publishing any

newspaper

newspaper, book or other document;"

(iii) Substitute the word and figure "Section 5" for the word and figure "Section 4" ;

(iv) Substitute the words "the publisher of such paper" for the words "the keeper of the press" ;

(v) Substitute the words "the newspaper is published" for the words "the press is situated".

Amendment No. 9.- Clause 8 (1) be revised as follows:--

"Whenever it appears to the Government that any newspaper in respect of which any security has been ordered to be deposited under Section 7 contains words, signs or visible representations which in the opinion ofthe Government are of the nature described in Section 4 sub-section (1), the Government may issue notice in writing to the publisher of such paper stating or describing such words, signs or visible representations to show cause why such security should not be ordered to be forfeited and on his failure to explain to the satisfaction of the Government, may (The rest as in the clause) ~~declare such security, or any portion thereof, to be forfeited to Government, or~~

~~(b) where the security has not been deposited, anul the declaration made by the publisher of such ewspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore,~~

~~and may also declare all copies of such newspaper, herever found in Mysore, to be forfeited to Government."~~

Amendment No.10.-In clause 9 (1), the words commencing f "shall deposit" in line 7 till the end of the para be substitu by the words given in Amendment No. 6.

Amendment No. 11.- Delete Clause 11.

Amendment No. 12.-With reference to clause 21 (1), the following changes be made:--

(i) In lines 2 and 3, for the words and figures "deposit ~~XXXXXXXX~~ security under sub-section (3) of Section 3", substitute the words and figures "deposit security under sub-sections 1 and 3 of Section 3 and sub-section (1) of Section 5."

(ii) In lines 4 and 5, for the words and figures "deposi security under sub-section (3) of Section 7" put in the words and figures "deposit security under sub-sections (1) and (3) of Section 7."

(iii) Add at the end of the para the following words:-- "and if the orders of deposit or forfeiture of security are just or proper under the circumstances of each case."

Amendment No. 13.-

In clause 23, after sub-clause (2), add a new para as follows and renumber the other clauses:-

> "If it appears to the Bench on an application under sub-section (2) of Section 21 that the order of deposit or forfeiture is not just or proper, the Bench shall set aside the order and make any consequential or incidental order that may be necessary."

Amendment No. 14.-

Reduce the maximum amounts of securities proposed by the Select Committee under the clauses 3 (1) and (3), 5 (1), 7 (1) and (3), 9 (1) to half the amounts leaving out the upper minimum amounts wherever they occur.

Mover: Mr. D.H. Chandrasekharaiya.

R. S. VI.—S-III/14]

DRAFT.

SUBJECT.....

Section. Legs
File No. 50-39
Serial No. 1

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

the.....*191*

Date of issue 14/2/40.

Signed by M. C. S.

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P 5679

Ordered that the accompanying Act to provide for the better Control of the Press and the publication of newspapers and other printed works containing public news. which received the assent of His Highness the Maharaja, on the 2nd day of February 1940, be published as ~~Regulation~~ Act No. XIV of 1940, in the *Mysore Gazette* for general information.

Secretary to Government.
Law Department

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada

To

The Compiler, *Mysore Gazette*, f publication in Part III of the Gazette, English and Kannada and for supply .....spare copies in English, a .....spare copies in Kannada this office, and.....spare copi in English and.....spare copi in Kannada to the Curator, Governme Central Book Depot, Bangalore. 10 clea Proc should be sent to this office for approv before publication.

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

As amended by the Select Committee.

(*Omissions are enclosed in square brackets and additions are indicated in italics.*) Preamble.

["WHEREAS it is expedient to amend the law providing for the better control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows :—]

"*Whereas it is expedient to provide for the better control of the Press and the Publication of Newspapers and other works containing public news; It is hereby enacted as follows :—*

1. (1) This Act may be called the Mysore Press and Newspapers Act, 19 .

(2) It extends to the whole of Mysore.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation [whether printed, hand-written or type written];

[(3) "Magistrate" means a District Magistrate;]

[(4)] (*3*) "newspaper" means any periodical work containing public news or comments on public news;

[(5)] (*4*) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 4;

[(6)] (*5*) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

[(7)] (*6*) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

[(8)] (*7*) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not, for the time being, valid declarations under section 5 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No. XXV of 1867*, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required;

[(9)] (*8*) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 15 to publish it; and

[(10)] (*9*) "undeclared press" means any press in respect of which there is not, for the time being, a valid declaration under section 4 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No. XXV of 1867*, as in force in Mysore.

Control of Printing Presses and Newspapers.

3. (1) Any person keeping a printing press who is required to make a declaration under section 4 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No. XXV of 1867*, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than [seven hundred and fifty] ~~five hundred~~ *rupees*, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to ~~two~~ thousand [and five hundred] rupees.

(2) Where security required uuder sub-section (1) has been deposited in respect of any printing press, and

for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 4 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which no security under the provisions of this Act has been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may ~~by~~ issue notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being ~~less than five hundred or~~ more than ~~two~~ thousand [five hundred] rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

to show cause why he should not be ordered to furnish security and on his failure to the satisfaction of the Govt, the Govt may, by further notice in writing

(4) Such notice shall in each case appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

The explanation shall be given on

Power to declare security or press forfeited in certain cases.

4. (1) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly,

(*c*) to seduce any officer, sowar, driver, *sepoy* or follower in the Mysore Military Forces *or any officer, soldier sailor or airman in the military, naval or airforces of Hi*

Majesty the King-Emperor of India or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty the King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or [any class or section of His Majesty the King-Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore,] *any class or section of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja*, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of land revenue, tax, rate, cess or other due or amount payable to the Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between [different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects] *different classes of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja* or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, *or in any of the forces of His Majesty the King-Emperor of India*, or in any police force, or to prejudice the training, discipline or administration, of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare such security or any portion thereof to be forfeited to the Government.

v Cause why such security shd be ordered to be forfeited and on his failure to explain to the satisfaction of the Government, the Govt may by further notice in writing

Explanation (*i*)—No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (*a*).

(*ii*) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iii*) Comments expressing disapporobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iv*) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between [different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects] *different classes of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja* shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of [the Press and Registration of Books Act, 1867,] *the Indian Press and Registration of Books Act, No. XXV of 1867,* as in force in Mysore, shall be deemed to be annulled.

(3) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in sub-section (1), the Government may, by notice in writing to the keeper of such printing press stating or describing such words signs or visible representations which in its opinion are of the nature mentioned above, declare the press to be forfeited to the Government.

(4) The Government may in addition to forfeiting the deposit or any portion thereof under sub-section (1),

or forfeiting the press under sub-section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to the Government.

5. (1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section 4 or section 6, every person making a fresh declaration in respect of such press under section 4 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No, XXV of 1867,* as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount not being less than one thousand or more than [seven thousand five hundred] ~~six~~ *thousand* rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 4 or section 6 any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

6. (1) If after security has been deposited under section 5, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4, sub-section (1); the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare

a) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No. XXV 1867,* as in force in Mysore, shall be deemed to be annulled.

7. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act, No. XXV of 1867*, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than [seven hundred and fifty] ~~*five hundred*~~ rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to ~~two~~ thousand [five hundred] rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 8 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which no security under the provisions of this Act has been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may ~~by~~ notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount not being ~~less than five hundred or~~ more than ~~two~~ thousand [five hundred] rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall in each case appoint a date not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the Govt, the Govt may by further notice in writing

even if appears to the Govt that

Power to declare security forfeited in certain cases.

8. (1) If any newspaper in respect of which any security has been ordered to be deposited under section 7 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 4, sub-section (1), the Government may, ~~by~~ issue notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations—

show cause why the security should be ordered to be forfeited and on his failure to explain to satisfaction of Govt, the Govt may

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(*b*) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act No. XXV of 1867*, as in force in Mysore

and may also declare all copies of such newspaper wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date o issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaratio made by the publisher of such newspaper under section 5 o [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act No. XXV of 1867* as in force in Mysore, shall be deemed to be annulled.

9. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 8 or section 10, any person making a fresh declaration under section 5 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act No. XXV of 1867*, as in force in Mysore, a publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shal deposit with the Magistrate before whom the declaratio is made, security to such an amount, not being ~~less than one thousand or~~ more than [seven thousand five hundred] ~~six~~ *thousand* rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited

under section 8 or section 10, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

10. (1) If, after security has been deposited under section 9, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare— **Power to declare further security and newspapers forfeited.**

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of [the Press and Registration of Books Act, 1867,] *the Indian Press and Registration of Book Act No. XXV of 1876* as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

11. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 3 or section 5 as required by the Government or the Magistrate, as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore.* **Penalty for keeping press or publishing newspaper without making deposit.**

(2) Whoever publishes any newspaper without making a deposit under section 7 or section 9, as required by the Government or the Magistrate, as the case may be, or publishes such newspaper knowing that such security has not been deposited shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Book Act No. XXV of 1867,*

12. (1) Where a deposit is required from the keeper of a printing press under section 3 such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 5, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 7 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of [the Press Registration of Books Act, 1867] *the Indian Press and Registration of Books Act No. XXV of 1867* as in force in Mysore, shall be deemed to be annulled.

13. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of [the Press and Registration of Books Act, 1867] *the Indian Press and Registration of Books Act No. XXV of 1867* as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

14. Where any printing press is, or any copies of any newspaper, book or other document are declared forfeited to the Government under section 4, section 6, section 8, section 10, or section 12 the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(i) where any such property may be or may be reasonably suspected to be, or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and newspapers.

15. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

Authorisation of persons to publish news-sheets.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

16. (1) Any police officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

Power to seize and destroy unauthorised news-sheet and newspapers.

(2) Any District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newpapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

17. (1) Where a District Magistrate or Sub-divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, [as soon as may be,] all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to the Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 16.

18. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution o publication, any unauthorised [news-sheet or newspape shall be punishable with imprisonment which may exten to six months, or with fine, or with both.

(2) Notwithstanding anything contained in th Code of Criminal Procedure, 1904, any offence punishabl under sub-section (1), and any abetment of any suc offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

19. Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of

the nature described in section 4, sub-section (1), the Government may, by notification in the official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

20. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

Powers of High Court.

21. (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 3 or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 7 or any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, section 6, section 8, section 10 or section 19 may, within [two months] *ninety days* from the date of such order, apply to the High Court to set aside such order, and the High Court shall decide if the newspaper book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in Section 4, sub-section (1).

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 12 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

22. Every such application shall be heard and determined by a [Special] Bench of the High Court consisting of not less than two Judges.

23. (1) If it appears to the [Special] Bench on an application under sub-section (1) of section 21 that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the [Special] Bench shall set aside the order.

(2) If it appears to the [Special] Bench on a application under sub-section (2) of section 21 that th printing press was not used in contravention of sul section (1) of section 12, it shall set aside the order (forfeiture.

(3) Where there is a difference of opinion amon the Judges forming the [Special] Bench, the decision sha be in accordance with the opinion of the majority of thos Judges.

(4) Where there is no such majority which cor curs in setting aside the order in question, the order sha stand.

24. On the hearing of an application under sub-sec section (1) of section 21 with reference to any newspape any copy of such newspaper published after the commence ment of this Act may be given in evidence in aid of th proof of the nature or tendency of the words, signs c visible representations contained in such newspaper, i respect of which the order was made.

25. The High Court shall, as soon as convenientl may be, frame rules to regulate the procedure in the cas of such applications, the amount of the costs thereof an the execution of orders passed thereon, and until suc rules are framed, the practice of such Court in proceeding other than suits and appeals shall apply, so far as may b practicable, to such applications.

Supplemental.

26. Every notice under this Act shall be sent to Magistrate, who shall cause it to be served in the manne provided for the service of summonses under the Code c Criminal Procedure, 1904

Provided that if service in such manner cannot b the exercise of due diligence be effected, the serving office shall, where the notice is directed to the keeper of a pres affix a copy thereof to some conspicuous part of the plac where the press is situate, as described in the keeper' declaration under section 4 of [the Press and Registratio of Books Act, 1867] *the Indian Press and Registration c Books Act No. XXV of 1867*, as in force in Mysore, an where the notice is directed to the publisher of a newspape to some conspicuous part of the premises where the publ cation of such newspaper is conducted, as given in th

publisher's declaration under Section 5 of the said Act: and thereupon the notice shall be deemed to have been duly served.

27. Every warrant issued under this Act, shall so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904. **Conduct of search.**

28. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 21 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act. **Jurisdiction barred.**

29. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act. **Operation of other laws not barred.**

30. All declarations required to be made under section 4, Section 5 and Section 8 of [the Press and Registration of Books Act 1867] *the Indian Press and Registration of Books Act No. XXV of 1867*, as in force in Mysore, shall be made before a District Magistrate. **Declaration before whom to be made.**

31. The Mysore Newspapers Act III of 1908 is hereby repealed. **Repeal.**

ACT No. XIV OF 1940.

THE MYSORE PRESS AND NEWSPAPERS ACT, 1940.

An Act to provide for the better control of the press and the publication of newspapers and other printed works containing public news.

(Received the assent of His Highness the Maharaja on the second day of February 1940.)

NOTIFICATION.

Order No. P. 5679—Legis. 50-39-1, dated Bangalor the 14th February 1940.

Ordered that the accompanying Act to provide for the better control of the press and the publication of newspapers and other printed works containing public news which received the assent of His Highness the Maharaja on the 2nd day of February 1940 be published as Act No. XIV of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT XIV OF 1940.

THE MYSORE PRESS AND NEWSPAPERS ACT, 1940.

An Act to provide for the better control of the press and the publication of newspapers and other printed works containing public news.

(*Received the assent of His Highness the Maharaja on the 2nd day of February 1940.*)

WHEREAS it is expedient to provide for the better control of the press and the publication of newspapers Preamb

and other works containing public news; It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Press and Newspapers Act, 1940.

(2) It extends to the whole of Mysore.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "newspaper" means any periodical work containing public news or comments on public news;

(4) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 4;

(5) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(6) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(7) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there ar not, for the time being, valid declarations under section of the Indian Press and Registration of Books Ac No. XXV of 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which securit has been required under this Act, but has not bee furnished as required;

(8) "unauthorised news-sheet" means any news sheet other than a news-sheet published by a perso authorised under section 15 to publish it; and

(9) "undeclared press" means any press in respec of which there is not, for the time being, a valid declara tion under section 4 of the Indian Press and Registratio of Books Act, No. XXV of 1867, as in force in Mysore.

Control of Printing Presses and Newspapers.

3. (1) (*a*) Any person keeping a printing press who is required to make a declaration under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than two hundred and fifty rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof, in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to one thousand rupees.

(*b*) Any person keeping a printing press who has been ordered to deposit security under clause (*a*) of sub-section (1) may, within thirty days of the date of the order of the Magistrate, appeal against it to the Government which may pass such order as it deems fit on such appeal.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 4 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which no security under the provisions of this Act has been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the keeper of the press stating or describing such words, signs or visible representations, to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the

Government, the Government may, by further notice in writing, order the keeper to deposit with the Magistrate within whose jurisdiction the press is sitiuated security to such an amount, not being more than one thousand rupees as the Government may think fit to require, in money or the equivalent there of in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall in each case appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the explanation shall be given or the deposit shall be made.

4. (1) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectl

(*c*) to seduce any officer, sowar, driver, sepoy or follower in the Mysore Military Forces or any officer, soldier, sailor or airman in the military, naval or air forces of His Majesty the King-Emperor of India or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt, His Majesty the King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person

any property or valuable security or to do any act which h is not legally bound to do, or to omit to do any act whic he is legally entitled to do, or

(*f*) to encourage or incite any person to interfer with the administration of the law or with the maintenanc of law and order, or to commit any offence or to refuse c defer payment of land revenue, tax, rate, cess or other due or amount payable to the Government, or to any loca authority, or any rent of agricultural land or anythin recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of local authority to do any act or to forbear or delay to d ıny act connected with the exercise of his public function ɔr to resign his office, or

(*h*) to promote feelings of enmity or hatred betwee lifferent classes of the subjects of His Majesty the King Emperor of India or of His Highness the Maharaja, or

(*i*) to prejudice the recruiting of persons to serve i ıny of the Mysore Military Forces, or in any of the force ɔf His Majesty the King-Emperor of India, or in an ɔolice force, or to prejudice the training, discipline o ıdministration, of any such force,

the Government may issue notice in writing to th eeper of such printing press stating or describing th vords, signs or visible representations which in it ɔinion are of the nature described above, to show caus vhy such security should not be ordered to be forfeite nd on his failure to explain to the satisfaction of the Government, the Government may, by further notice in vriting, declare such security or any portion thereof to be ɔrfeited to the Government.

Explanation (*i*)—No expression of approval or dmiration made in a historical or literary work shall be eemed to be of the nature described in this sub-section nless it has the tendency described in clause (*a*).

(*ii*) Comments expressing disapprobation of the ıeasures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iii*) Comments expressing disapprobation of the administrative or other action of the Government without

exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iv*) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

(3) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in sub-section (1), the Government may, by notice in writing to the keeper of such printing press stating or describing such words, signs or visible representations which in its opinion are of the nature mentioned above, declare the press to be forfeited to the Government.

(4) The Government may in addition to forfeiting the deposit or any portion thereof under sub-section (1), or forfeiting the press under sub-section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to the Government.

5. (1) Where the security given in respect of any press or any portion thereof has been declared forfeited under section 4 or section 6, every person making a fresh declaration in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount not being less than one thousand or more

than three thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 4 or section 6 any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

6. (1) If after security has been deposited under section 5, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, gns or visible representations, declare

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV 1867, as in force in Mysore, shall be deemed to be annulled.

7. (1) (*a*) Any publisher of a newspaper who is required to make a declaration under section 5 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than two hundred and fifty rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to one thousand rupees.

(*b*) Any publisher of a newspaper who has been ordered to deposit security under clause (*a*) of sub-section (1) may, within thirty days of the date of the order of the Magistrate, appeal against it to the Government, which may pass such order as it deems fit on such appeal.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 8 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which no security under the provisions of this Act has been required, or having been required, has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount not being less than five hundred or more than two thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall in each case appoint a date not being sooner than the tenth day after the date of the issue of the notice, on or before which the explanation shall be given or the deposit shall be made.

8. (1) If any newspaper in respect of which any security has been ordered to be deposited under section 7 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations to show cause why such security should not be

ordered to be forfeited and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing—

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(*b*) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore,

and may also declare all copies of such newspaper, wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

9. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 8 or section 10, any person making a fresh declaration under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being more than three thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 8 or section 10, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and newspapers forfeited.

10. (1) If, after security has been deposited under section 9, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 4,

sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

11. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 3 or section 5 as required by the Government or the Magistrate, as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore.

(2) Whoever publishes any newspaper without making a deposit under section 7 or section 9, as required by the Government or the Magistrate, as the case may be, or publishes such newspaper knowing that such security has not been deposited shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribe by section 5 of the Indian Press and Registration of Boo Act No. XXV of 1867 as in force in Mysore.

12. (1) Where a deposit is required from the keep of a printing press under section 3, such press shall not l used for the printing or publishing of any newspape book or other document after the expiry of the tin allowed to make the deposit until the deposit has bee made, and where a deposit is required from the keeper a printing press under section 5, such press shall not l sed until the deposit has been made

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 7 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

Return of deposited security in certain cases.

13. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Indian Press and Registration of Books Act, No. XXV of 1867 as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained be returned to such person.

Issue of search warrant.

14. Where any printing press is, or any copies of any newspaper, book or other document are declared forfeited to the Government under section 4, section 6, section 8, section 10, or section 12 the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(1) where any such property may be or may be reasonably suspected to be, or

(2) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and newspapers.

Authorisation of persons to publish news-sheets.

15. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

16. (1) Any police officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorissd news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

17. (1) Where a District Magistrate or Sub-divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to the Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 16.

Penalty for disseminating unauthorised news-sheets and news-papers.

18. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspaper, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

Forfeiture of news-paper, etc., containing objectionable matters.

19. Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may, by notification in the official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter

upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

20. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

Powers of High Court.

21. (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 3 or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 7 or any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, section 6, section 8, section 10 or section 19 may, within ninety days from the date of such order, apply to the High Court to set aside such order. and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in section 4, sub-section (1).

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 12 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

22. Every such application shall be heard and determined by a Bench of the High Court consisting of not less than two Judges.

23. (1) If it appears to the Bench on an application under sub-section (1) of section 21 that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Bench shall set aside the order.

(2) If it appears to the Bench on an application under sub-section (2) of section 21 that the printing press was not used in contravention of sub-section (1) of section 12, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Bench, the decision shall be in

accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

Evidence to prove nature or tendency of newspaper.

24. On the hearing of an application under sub-section (1) of section 21 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made.

Procedure in High Court.

25. The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

Service notices.

26. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as describedi n the keeper's declaration under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

Conduct of search.

27. Every warrant issued under this Act shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904.

28. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 21 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

29. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act.

30. All declarations required to be made under section 4, section 5 and section 8 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be made before a District Magistrate.

31. The Mysore Newspapers Act, 1908, is hereby repealed.

MIRZA M. ISMAIL,
Dewan.

Newspaper Bin

NOTIFICATION.

No. 3880—L. C., dated Bangalore, 28th May 1938.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the better control of the publication of newspapers and other printed works containing public news, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

WHEREAS it is expedient to provide for the efficient ontrol of the publication of newspapers and other printed orks containing public news; It is hereby enacted as llows:—

1. (1) This Act may be called the Mysore News-apers Act, 193 .

(2) It extends to the whole of Mysore.

2. In this Act, unless there is anything repugnant the subject or context,—

(1) "book" includes every volume, part or division a volume, pamphlet and leaflet, in any language, and ry sheet of music, map, chart or plan separately printed ithographed;

(2) "document" includes also any painting, ng or photograph or other visible representation;

(3) "Magistrate" means a District Magistrate;

(4) "newspaper" means any periodical work ing public news or comments on public news;

(5) "news-sheet" means any document other than paper containing public news or comments on news or any matter described in sub-section (1) of

(6) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(8) "unauthorised newspaper" means

(*a*) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; and

(*c*) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which, if granted, has been withdrawn;

(9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 16 to publish it; and

(10) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.

3. No newspaper shall, without the written permission of the Government be published, and any such permission may, at any time be withdrawn by the Government.

Control of Printing Presses and Newspapers.

4. (1) Any person keeping a printing press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the

Provided that if a deposit has been required under sub section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 5 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security or press forfeited in certain cases.

5. Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under section 4 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or which end directly or indirectly—

(*c*) to seduce any officer, sowar, driver or follower n the Mysore Military Forces or any police officer from ıis allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty he King Emperor of India, or His Highness the Iaharaja, or the Government established by law in British ndia and in the territories of His Highness the Maharaja r the administration of justice in Mysore or any class or ection of His Majesty the King Emperor of India's ubjects in British India or His Highness the Maharaja's ubjects in Mysore, or to excite disaffection towards Iis Majesty the King Emperor of India or His Highness he Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance o him and thereby induce him to deliver to any person ıny property or valuable security or to do any act which e is not legally bound to do, or to omit to do any act vhich he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere vith the administration of the law or with the maintenance f law and order, or to commit any offence, or to refuse or efer payment of any land revenue, tax, rate, cess or other ue or amount payable to Government, or to any local uthority, or any rent of agricultural land or anything ecoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a ocal authority to do any act or to forbear or delay to do ny act connected with the exercise of his public functions r to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any Police Force, or to prejudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above:

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

(ii) where security has not been deposited, declare the press to be forfeited to Government, and may also

declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government.

Explanation.—(i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

6. (1) Where the security given in respect of any ess or any portion thereof, has been declared forfeited ıder section 5 or section 7, every person making a fresh clarification in respect of such press under section 4 of the ress and Registration of Books Act, 1867, as in force in ysore, shall deposit with the Magistrate before whom ch declaration is made security to such an amount, not ing less than one thousand or more than ten thousand pees as the Magistrate may think fit to require, in oney or the equivalent thereof in securities of the overnment of Mysore as the person making the deposit ay choose.

(2) Where a portion only of the security given in spect of such press has been declared forfeited under ction 5 or section 7, any unforfeited balance still in posit shall be taken as part of the amount of security

Power to declare further security and publications forfeited.

7. (1) If after security has been deposited under section 6, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare--

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

8. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose :

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 9 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which

of Books Act, 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 9 or section 11, any unforfeited balance still a deposit shall be taken as part of the amount of security required under sub-section (1).

11. (1) If, after security has been deposited under section 10, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5 sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867 as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

12. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 4 or section 6 as required by the Government or the Magistrate as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section 8 or section 10, as required by the Government or the Magistrate as the case may be

security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than three thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

9. (1) If any newspaper in respect of which any security to be deposited under section 8 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations.—

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(*b*) where the security has not been deposited annul the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, and may also declare all copies of such newspaper, wherever found in Mysore, to be forfeited to Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

10. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 9 or section 11, any person making a fresh declaration under section 5 of the Press and Registration

or publishes such newspaper knowing that such security has not been deposited or publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

13. (1) Where a deposit is required from the keeper of a printing press under section 4 such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 6, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 8 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore shall be deemed to be annulled.

Return of deposited security in certain cases.

14. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

Issue of search warrant.

15. Where any printing press is or any copies of any newspapers, book or other document are declared forfeited to Government under section 5, section 7, section 9, section 11, or section 13, the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of a Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises.

(i) Where any such property may be or may b reasonably suspected to be; or

(ii) where any copy of such newspaper, book o other document is kept for sale, distribution or publicatio or public exhibition or is reasonably suspected to be s kept.

Unauthorised news-sheets and newspapers.

16. (1) The Magistrate may, by order in writing an subject to such conditions as he may think fit to impose authorise any person by name to publish a news-sheet, o to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shal be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke a order made by him under sub-section (1).

17. (1) Any Police Officer, or any other perso empowered in this behalf by the Government, may seiz any unauthorised news-sheet or unauthorised newspape wherever found.

(2) Any District Magistrate, Sub-Divisiona Magistrate or Magistrate of the First Class may b warrant authorise any police officer not below the rank c Sub-Inspector to enter upon and search any place wher any stock of unauthorised news-sheets or unauthorise newspapers may be or may be reasonably suspected to b and such police officer may seize any documents found i such place which, in his opinion, are unauthorised news sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1 shall be produced as soon as may be before a Distric Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

18. (1) Where a District Magistrate or Sub-Divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to the Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 17.

Penalty for diseminating unauthorised news-sheets and news-papers.

19. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspapers, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

Forfeiture of newspaper, etc., containing objectionable matters.

20. Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notification in the Official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

Non-transmission by Post.

21. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

Application to High Court to set aside order of forfeiture.

22. (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 4 or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 8, or any person having an interest in any property in respect of which an order of forfeiture has been made under section 5, section 7, section 11 or section 20 may, within two months from the date of such order, apply to the High Court to set aside such order, and the High Court, shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in section 5, sub-section (1).

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 13 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

23. Every such application shall be heard and determined by a Special Bench of the High Court consisting of not less than two Judges.

24. (1) If it appears to the Special Bench on an application under sub-section (1) of section 22 that the words, signs or visible representations contained in the

newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 5, sub-section (1), the Special Bench shall set aside the order.

(2) If it appears to the Special Bench on an application under sub-section (2) of section 22 that the printing-press was not used in contravention of sub-section (1) of section 13, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

25. On the hearing of an application under sub-section (1) of section 22 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspapers, in respect of which the order was made.

26. The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

27. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of

such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

Conduct of search.

28. Every warrant issued under this Act, shall so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904.

Jurisdiction barred.

29. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 22 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

30. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act.

31. All declarations required to be made under section 4, section 5 and section 8 of the Press and Registration of Books Act of 1867 as in force in Mysore shall be made before a District Magistrate.

32. The Mysore Newspapers Act III of 1908 is hereby repealed.

Statement of Objects and Reasons.

The repeal of the Newspaper Act, 1908, has been several times urged in the Representative Assembly and the Legislative Council. A request was made in the Representative Assembly at its last Dasara Session that the present Act may be repealed and if necessary, one more or less on the lines of the British Indian Act placed on the Statute Book. Government expressed willingness to replace the present Act by an Act on nearly the same lines as the law in force in British India and this Bill has been accordingly prepared. The main principles of the Bill are as follows:—

1. The permission of Government must be obtained before the publication of a newspaper as heretofore.

2. The Magistrate before whom declaration is made may demand security either from the keeper of the

press or from the publisher of the newspaper under certain circumstances.

3. The Government may, if it appears to them that the press is used for printing or publishing objectionable matter such as incitement to the commission of an offence, seduction of military, sedition, etc., declare the security forfeited or, where no security is deposited, declare the press to be forfeited and the declaration made under the Press and Registration of Books Act, shall be annulled.

4. Where the security has been forfeited, any person making a fresh declaration in respect of such press or newspaper shall deposit a security of a larger amount.

5. If the press or the newspaper is again used for printing or publishing objectionable matter, the Government may forfeit the further security and the fresh declaration shall be annulled. No further declaration in respect of such newspaper shall be made save with the permission of the Government.

6. Failure to deposit security which is ordered is subject to the same penalty as the one to which the person would be liable for failure to make a declaration under the Press and Registration of Books Act.

7. Where a press or copies of a newspaper are declared forfeited, a Magistrate may authorise the Police to search for and seize them.

8. Unauthorised news-sheets or newspapers may be seized or destroyed.

9. Selling, publishing or keeping for sale or publication of any unauthorised news-sheet or newspaper is made punishable.

10. Any newspaper, book or document which appears to Government to contain objectionable matter may be declared to be forfeited.

11. Provision is made for application to the High Court against the orders of Government demanding security either from the keeper of the press, or from the publisher of a newspaper, or from an order of Government forfeiting the press or security deposited by such persons.

The bill closely follows the Criminal Law Amendment Act of 1935. The penalty of deportation fixed in certain cases under the existing Act is removed and imprisonment is substituted for certain offences.

NOTIFICATION

No. 1116—L. C., Bangalore, dated 3rd January 1939.

Under Standing Order No. 49 of the standing orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Newspapers Bill is published for general information.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Select Committee Report.

We the members of the Select Committee to which the Mysore Newspaper Bill was referred have considered the several clauses of the Bill and have now the honor to submit this, our report.

We recommend that the preamble may be changed as follows :—

" Whereas it is expedient to amend the law providing for the better control of the publication of newspapers and other printed works containing public news: it is hereby enacted as follows :—"

Clause 1.—The title of the Act may be changed into " the Mysore Press and Newspapers Act " to indicate the comprehensive nature of the Act.

Clause 2.—The Bill is intended to apply to matter published by any method, including writing by hand or typewriting. To make this clear the words " whether printed, handwritten or typewritten " may be added at the end of sub-clause (2).

Sub-clause (10) may be changed as follows :—

" (10) 'Undeclared press' means any press in respect of which there is not, for the time being, a valid declaration under Section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore."

Clause 3.—This may be omitted and the subsequent clauses renumbered in view of the promise made by Government in the Representative Assembly and the Legislative Council.

Clause 4.—(3 as renumbered) :—In sub-clause (3) of this clause for the words "in respect of which security under the provision of this Act has not been required," substitute the words "in respect of which no security under the provisions of this Act has been required."

Clause 5.—(4 as renumbered)—In order to make the meaning clear it is desirable that sub-clause (1) of this clause is split up into two sub-clauses, one dealing with cases where security has been deposited, and the other dealing with cases where the deposit has been ordered, but not deposited. We accordingly recommend that the clause may be altered as follows :—

"4(1) Whenever it appears to the Government that any Printing Press in respect of which any security has been ordered to be deposited under Section 3, sub-section (1) or (3) and has been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly,—

(*c*) to seduce any officer, sowar, driver or followe in the Mysore Military Forces or any Police Officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty the King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King-Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which

he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in any Police Force, or to prejudice the training, discipline or administration, of any such force,

the Government may, by notice in writing to the keeper of such Printing Press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare such security or any portion thereof to be forfeited to Government.

Explanation (i).—No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty

the King-Emperor of India's or His Highness tl Maharaja's subjects shall not be deemed to be words the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date the issue of a notice under sub-section (1) declaring security, or any portion thereof, to be forfeited, tl declaration made in respect of such press under Section of the Press and Registration of Books Act, 1867, as i force in Mysore, shall be deemed to be annulled.

(3) Whenever it appears to Government that an printing press, in respect of which any security has bee ordered to be deposited under Section 3, sub-section (1) c (3) and has not been so deposited, is used for the purpos of printing or publishing any newspaper, book or othe document containing any words, signs or visible representa tions of the nature described in Section 4, sub-sectior (1), the Government, by notice in writing to the keeper o such Printing Press stating or describing such words, signs or visible representations which in its opinion are of the nature mentioned above, declare the Press to be forfeited to Government.

(4) The Government may, in addition to forfeiting the deposit or any portion thereof under sub-section (1), or forfeiting the Press under sub-section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government."

Clause 12 (11 as renumbered).—In view of the omission of clause 3, the words "or publishes any newspaper without the permission of the Government as required under Section 3 or after such permission has been withdrawn" in sub-clause (2) of this clause may be omitted.

The amount of securities specified in the bill were then considered and after some discussion we were of opinion that some reduction might be made. We recommend that the amount of rupees one thousand specified in clauses 4 (1) and 3 (1) may be reduced to rupees seven hundred and fifty, the maximum amount of rupees three thousand in clauses 4 (3) and 8 (3) to rupees two thousand five-hundred and the maximum amount of rupees ten thousand in clauses 6 (1) and 10 (1) to rupees seven thousand five-hundred.

As the Bill has not been altered materially, we recommend that it need not be republished.

S. P. Rajagopalachari,
(*Chairman*).

B. T. Kesaviengar.

F. A. Hamilton.

Mirle N. Lakshminaranappa.

Mahomed Abbas Khan.

C. Hayavadana Rao.

P. Subbarama Chetty.

G. Girimaji Rao.

K. R. Subbannachar
(subject to a note).

H. V. Ramasvami.

Mr. B. S. Puttaswamy has not intimated his approval of the report. His signature will be notified when received.

Note by Mr. K. R. Subbannachar.—

I am of opinion that the Bill should include effective clauses to have some control over the papers published outside the State and over the local correspondents of those papers.

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

As amended by the Select Committee.

(Omissions are enclosed in square brackets and additions are indicated in italics.)

[WHEREAS it is expedient to provide for the efficient control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows :—]

"*Whereas it is expedient to* provide ~~*amend the law providing*~~ *for the better control of the* press *publication of newspapers and other* ~~*printed*~~ *works containing public news : it is hereby enacted as follows :—*

1. (1) This Act may be called the Mysore *Press* ~~*and*~~ Newspapers Act, 193

(2) It extends to the whole of Mysore.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation ~~*whether printed, handwritten or type-written*~~;

(3) ~~"Magistrate" means a District Magistrate;~~

(3) ~~(4)~~ "newspaper" means any periodical work containing public news or comments on public news;

(4) ~~(5)~~ "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section [5] *4*;

(5) ~~(6)~~ "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(8) "unauthorised newspaper" means

(a) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867 as in force in Mysore; and

(b) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; [and

(c) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which, if granted, has been withdrawn;]

unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 16 to publish it; and

(10) "undeclared press" means any press [other than a press] in respect of which there is *not*, for the time being, a valid declaration under section 4 of the Press and Registration of Books Act, 1867. as in force in Mysore.

[3. No newspaper shall, without the written permission of the Government, be published, and any such permission may at any time be withdrawn by the Government.]

Control of Printing Presses and Newspapers.

3[4.] (1) Any person keeping a printing press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than [one thousand] *seven hundred and fifty* rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose

Provided that if a deposit has been required under ub-section (3) from any previous keeper of the printing ress, the security which may be required under this sub: ection may amount to [three-thousand] *two thousand nd-five-hundred* rupees.

(2) Where security required under sub-section (1) as been deposited in respect of any printing press, and or a period of three months from the date of the declaraion mentioned in sub-section (1) no order is made by the Government under section [5] *4* in respect of such press, he security shall, on application by the keeper of the ress, be refunded.

(3) Whenever it appears to the Government that ny printing press, in respect of which *no* security under he provisions of this Act has [not] been required, or aving been required has been refunded under sub-section 2) is used for the purpose of printing or publishing any ewspaper, book or other document containing any words, igns or visible representations of the nature described in ection [5] *4* sub-section (1), the Government may, by otice in writing to the keeper of the press stating or decribing such words, signs or visible representations, order he keeper to deposit with the Magistrate within whose urisdiction the press is situated security to such an mount, not being less than five hundred or more than three thousand] *two thousand five-hundred* rupees s the Government may think fit to require, in money or he equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

[5 Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under section 4 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or

fictitious, who has committed or is alleged or represented to have committed any such offence, or which tend directly or indirectly—

(*c*) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty the King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King-Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness ıe Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance ɔ him and thereby induce him to deliver to any person ny property or valuable security or to do any act which e is not legally bound to do, or to omit to do any act 'hich he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere 'ith the administration of the law or with the maintenance f law and order, or to commit any offence, or to refuse or efer payment of any land revenue, tax, rate, cess or other ue or amount payable to Government, or to any local uthority, or any rent of agricultural land or anything ecoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a ɔcal authority to do any act or to forbear or delay to do ny act connected with the exercise of his public functions r to resign his office, or

(*h*) to promote feelings of enmity or hatred between ifferent classes of His Majesty the King-Emperor of ndia's or His Highness the Maharaja's subjects, or

(*i*) to prejudice the recruiting of persons to serve ı any of the Mysore Military Forces, or in any Police 'orce, or to projudice the training, discipline or dministration of any such force,

the Government may, by notice in writing to the eeper of such printing press stating or describing the 'ords, signs or visible representations which in its opinion re of the nature described above :

(i) where security has been deposited, declare suc security, or any portion thereof, to be forfeited to Govern ment, or

(ii) where security has not been deposited, declar the press to be forfeited to Government, and may als declare all copies of such newspaper, book or othe document wherever found in Mysore to be forfeited t Government.

Explanation.—(i) No expression of approval or admiration mad in a historical or literary work shall be deemed to be of the natu described in this sub-section unless it has the tendency described i clause (a).

(ii) Comments expressing disapprobation of the measures of th Government with a view to obtain their alteration by lawful mean without exciting or attempting to excite hatred, contempt or disaffectio shall not be deemed to be of the nature described in clause (d) of thi sub-section.

(iii) Comments expressing disapprobation of the administrativ or other action of the Government without exciting or attempting t excite hatred, contempt or disaffection, shall not be deemed to be the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and wit an honest view to their removal, matters which are producing or ha a tendency to produce feelings of enmity or hatred between differe classes of His Majesty the King-Emperor of India's or His Highne the Maharaja's subjects shall not be deemed to be words of the natu described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date c the issue of a notice under sub-section (1) declaring security, or any portion thereof, to be forfeited, th declaration made in respect of such press under section of the Press and Registration of Books Act, 1867, as i force in Mysore, shall be deemed to be annulled.]

"*4. (1) Whenever it appears to the Governmen that any printing press, in respect of which any security ha been ordered to be deposited under section 3, sub-sectio (1) or (3) and has been so deposited, is used for the purpos of printing or publishing any newspaper, book or othe document containing any words, signs or visible represen tations which—*

(*a*) *incite to or encourage, or tend to incite to or c encourage, the commission of any offence of murder or an cognizable offence involving violence, or*

(*b*) *directly or indirectly express approval or admi ration of any such offence, or of any person, real o*

fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly,

(c) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or ~~any~~ Police Officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King-Emperor of India, or His Highness the Maharaja or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section His Majesty the King-Emperor of India's ~~subjects in British India~~ or His Highness the Maharaja's subjects ~~in Mysore~~, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of local authority to do any act or to forbear or delay to do any act connected with the exercise of his public function or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects, or

(i) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in ~~any~~ police force or to prejudice the training, discipline or administration of any such force

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its

opinion are of the nature described above, declare suc security or any portion thereof to be forfeited to Govern ment.

Explanation (i).—No expression of approval c admiration made in a historical or literary work shall l deemed to be of the nature described in this sub-sectic unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of tl measures of the Government with a view to obtain the alteration by lawful means without exciting or attemptir to excite hatred, contempt or disaffection shall not deemed to be of the nature described in clause (d) *of th sub-section.*

(iii) Comments expressing disapprobation of t administrative or other action of the Government witho exciting or attempting to excite hatred, contempt disffection, shall not be deemed to be of the nature describ in clause (d) *of this sub-section.*

(iv) Words pointing out, without malicious intenti and with an honest view to their removal, matters which a producing or have a tendency to produce feelings of enmi or hatred between different classes of His Majesty the Kin Emperor of India's or His Highness the Maharaj subjects shall not be deemed to be words of the natu described in clause (h) *of this sub-section.*

(2) After the expiry of ten days from the date the issue of a notice under sub-section (1) declaring security, or any portion thereof, to be forfeited, the dec ration made in respect of such press under section 4 of t Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

(3) Whenever it appears to Govern printing press, in respect of which any security has bee ordered to be deposited under section 3, sub-section (1) o (3) and has not been so deposited, is used for the purpose o printing or publishing any newspaper, book or othe document containing any words, signs or visible representa tions of the nature described in sub-section (1), the Gov ernment may, by notice in writing to the keeper of suc printing press stating or describing such words, signs o visible representations which in its opinion are of th nature mentioned above, declare the press to be forfeited t Government.

(4) The Government may, in addition to forfeiting the deposit or any portion thereof under sub-section (1), or forfeiting the press under sub-section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government."

5. [6]. (1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section [5] *4* or section [7] *6*, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than [ten thousand] *seven thousand five-hundred* rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section [5] *4* or section [7] *6* any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

6. [7] (1) If after security has been deposited under section [6] *5*, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section [5] *4* sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare–

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

[8]. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than [one thousand seven-hundred and fifty rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose :

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub section may amount to [three thousand] *two thousand* ~~five-hundred~~ rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section [9] *8* in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which no security under the provisions of this Act has [not] been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section [5] *4*, sub section (1), the Government may, by notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than three thousand] *two thousand* ~~five-hundred~~ rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

8. [9.] (1) If any newspaper in respect of which any security has been ordered to be deposited under section [8] *7* contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section [5] *4*, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations.—

where the security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act. 1867. as in force in Mysore,

and may also declare all copies of such newspaper wherever found in Mysore, to be forfeited to Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

9. [10.] (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section [9] *8* or section [11] *10*, any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being less than one thousand or more than [ten thousand] ~~*seven thousand five hundred*~~ rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section [9] *8* or section [11] *10*, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1)

10. [11.] (1) If, after security has been deposite under section [10] *9*, the newspaper again contains an words, signs or visible representations which, in the opinio of the Government, are of the nature described in section [8 *4*, sub-section (1), the Government may, by notice i writing to the publisher of such newspaper, stating c describing such words, signs or visible representation declare–

(*a*) the further security so deposited or any portio thereof, and

(*b*) all copies of such newspaper wherever foun Mysore,

to be forfeited to Government

(2) After the expiry of ten days from the date the issue of the notice under sub-section (1), the decl ation made by the publisher of such newspaper und section 5 of the Press and Registration of Books Act, 186 as in force in Mysore, shall be deemed to be annulled an no further declaration in respect of such newspaper sha be made save with the permission of Government.

11. [12.] (1) Whoever keeps in his possession press which is used for the printing of books or pape without making a deposit under section [4] 3 or sectic [6] *5* as required by the Government or the Magistrate, the case may be, shall, on conviction by a Magistrate, liable to the penalty to which he would be liable if he h failed to make the declaration prescribed by section 4 the Press and Registration of Books Act, 186

(2) Whoever publishes any newspaper witho making a deposit under section [8] *7* or section [10] *9*, required by the Government or the Magistrate, as the ca may be, or publishes such newspaper knowing that suc security has not been deposited [or publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn] shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

12. [13.] (1) Where a deposit is required from the keeper of a printing press under section [4]*3* such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time

allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section [6] *5*, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to Government.

(3) Where a deposit is required from the publisher of a newspaper under section [8] *7* and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

13. [14.] Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

14. [15.] Where any printing press is, or any copies f any newspaper, book or other document are, declared orfeited to Government under section [5] *4*, section [7] *6*, ection [9] *8*, section [11] *10*, or section [13] *12* the Government may direct a Magistrate to issue a warrant mpowering any police officer, not below the rank of Sub-nspector, to seize and detain any property ordered to be orfeited and to enter upon and search for such property n any premises—

(i) Where any such property may be or may be easonably suspected to be, or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

16. [17] (1) Any police officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

17. [18.] (1) Where a District Magistrate or Sub-Divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such

place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, ~~as soon as may be~~, all property seized

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised new-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section [17] 16.

[19.] (1) Whoever makes, sells, distributes publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspaper shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

19. [20.] Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section [5] *4*, sub-section (1), the Government may, by notification in the official Gazette

stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

20. [21.] No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

Powers of High Court

21. [22.] (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section [*4*] *3* or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section [8] *7* or any person having an interest in any property in respect of which an order of forfeiture has been made under section [5] *4*, section [7] *6*, section 8, section [11], *10* or section [20] *19* may, within ~~two months~~ from the date of such order, apply to the High Court to set aside such order, and the High Court, shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in section [5] *4*, sub-section (1).

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section [13] *12* on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

22. [23.] Every such application shall be heard and determined by a ~~Special~~ Bench of the High Court consisting of not less than two Judges.

23. [24.] (1) If it appears to the ~~Special~~ Bench on an application under sub-section (1) of section [22] *21* that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section [5] *4*, sub-section (1), the Special Bench shall set aside the order.

(2) If it appears to the Special Bench on an application under sub-section (2) of section [22] *21* that the printing press was not used in contravention of sub-section (1) of section [13] *12*, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

24. [25.] On the hearing of an application under sub-section (1) of section [22] *21* with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made.

25. [26.] The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

26. [27.] Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904 :

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the

publisher's declaration under section 5 of the said Act and thereupon the notice shall be deemed to have bee duly served.

27. [28.] Every warrant issued under this Act, sha so far as it relates to a search, be executed in the manne provided for the execution of search warrants under th Code of Criminal Procedure, 1904.

28. [29.] Every declaration of forfeiture purportin to be made under this Act shall, as against all persons, b conclusive evidence that the forfeiture therein referred t has taken place, and no proceeding purporting to be take under this Act shall be called in question by any Cour except the High Court on application under section [22 *21* and no civil or criminal proceeding, except as provide by this Act, shall be instituted against any person fc anything done or in good faith intended to be done unde this Act.

29. [30.] Nothing herein contained shall be deeme to prevent any person from being prosecuted under an other laws for any act or omission which constitutes a offence against this Act.

30. [31.] All declarations required to be made unde section 4 section 5 and section 8 of the Press an Registration of Books Act of 1867, as in force in Mysor shall be made before a District Magistrate.

31. [32.] The Mysore Newspapers Act III of 190 is hereby repealed.

NOTIFICATION.

No. 3880—L. C., dated Bangalore, 28th May 1938

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the better control of the publication of newspapers and other printed works containing public news, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

WHEREAS it is expedient to provide ~~for the efficient~~ control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore News-papers Act, 193

(2) It extends to the whole of Mysore

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "Magistrate" means a District Magistrate;

(4) "newspaper" means any periodical work containing public news or comments on public news;

(5) "news-sheet" means any document other than newspaper containing public news or comments on

(6) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(8) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; and

(*c*) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which, if granted, has been withdrawn;

(9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 16 to publish it; and

(10) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.

3. No newspaper shall, without the written permission of the Government be published, and any such permission may, at any time be withdrawn by the Government.

Control of Printing Presses and Newspapers.

4. (1) Any person keeping a printing press who is equired to make a declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom he declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days rom the day on which the declaration is made, security o such an amount, not being more than one thousand upees, as the Magistrate may in each case think fit to equire, in money or the equivalent thereof in securities f the Government of Mysore as the person making the eposit may choose:

Provided that if a deposit has been required under sub section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 5 in respect of such press, the security shall, on application by the keeper of the press be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

5. (1) Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under section 4 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, for which end directly or indirectly—

(*c*) to seduce any officer, sowar, driver or followe in the Mysore Military Forces or any police officer fro his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majest the King Emperor of India, or His Highness th Maharaja, or the Government established by law in Britis India and in the territories of His Highness the Maharaj or the administration of justice in Mysore or any class c section of His Majesty the King Emperor of India subjects in British India or His Highness the Maharaja subjects in Mysore, or to excite disaffection towarc His Majesty the King Emperor of India or His Highnes the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyanc to him and thereby induce him to deliver to any perso any property or valuable security or to do any act whic he is not legally bound to do, or to omit to do any ac which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any Police Force, or to prejudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above:

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

(ii) where security has not been deposited, declare the press to be forfeited to Government, and may also

declare all copies of such newspaper, book or oth document wherever found in Mysore to be forfeited Government.

Explanation.—(i) No expression of approval or admiration ma in a historical or literary work shall be deemed to be of the nat described in this sub-section unless it has the tendency described clause (a).

(ii) Comments expressing disapprobation of the measures of Government with a view to obtain their alteration by lawful mea without exciting or attempting to excite hatred, contempt or disaffect shall not be deemed to be of the nature described in clause (d) of t sub-section.

(iii) Comments expressing disapprobation of the administrat or other action of the Government without exciting or attempting excite hatred, contempt or disaffection, shall not be deemed to be the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and wit an honest view to their removal, matters which are producing or ha a tendency to produce feelings of enmity or hatred between differe classes of His Majesty the King Emperor of India's or His Highne the Maharaja's subjects shall not be deemed to be words of the natu described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date the issue of a notice under sub-section (1) declaring security, or any portion thereof, to be forfeited, th declaration made in respect of such press under section of the Press and Registration of Books Act, 1867, as i force in Mysore, shall be deemed to be annulled.

6. (1) Where the security given in respect of an press or any portion thereof, has been declared forfeite under section 5 or section 7, every person making a fres declaration in respect of such press under section 4 of th Press and Registration of Books Act, 1867, as in force i Mysore, shall deposit with the Magistrate before who such declaration is made security to such an amount, n being less than one thousand or more than ten thousar rupees as the Magistrate may think fit to require, i money or the equivalent thereof in securities of th Government of Mysore as the person making the depos may choose.

(2) Where a portion only of the security given respect of such press has been declared forfeited und section 5 or section 7, any unforfeited balance still deposit shall be taken as part of the amount of securi required under sub-section (1)

7. (1) If after security has been deposited under section 6, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), t Government may, by notice in writing to the keeper such printing press, stating or describing such wor signs or visible representations, declare—

(*a*) the further security so deposited, or any porti thereof, and

(*b*) all copies of such newspaper, book or oth document wherever found in Mysore, to forfeited to the Government.

(2) After the expiry of ten days from the issue a notice under sub-section (1), the declaration made respect of such press under section 4 of the Press a Registration of Books Act, 1867, as in force in Myso shall be deemed to be annulled.

8. (1) Any publisher of a newspaper who is requir to make a declaration under section 5 of the Press a Registration of Books Act, 1867, as in force in Myso may be required by the Magistrate before whom the decl ration is made, for reasons to be recorded in writing deposit with the Magistrate within ten days from the d on which the declaration is made, security to such a amount, not being more than one thousand rupees, as t Magistrate may in each case think fit to require, in mon or the equivalent thereof in securities of the Governme of Mysore as the person making the deposit may choose

Provided that if a deposit has been required und sub-section (3) from any previous publisher of the new paper, the security which may be required under this sub section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and fo a period of three months from the date of the declaratio mentioned in sub-section (1) no order is made by th Government under section 9 in respect of such newspaper the security shall, on an application by the publisher o the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which

security under the provisions of this Act has not bee required, or having been required has been refunded unde sub-section (2), contains any words, signs or visibl representations of the nature described in section 5, sub section (1), the Government may, by notice in writing t the publisher of such newspaper stating or describin such words, signs or visible representations, require th publisher to deposit with the Magistrate within whos jurisdiction the newspaper is published, security to sucl an amount, not being less than five hundred or more tha three thousand rupees, as the Government may think fi to require, in money or the equivalent thereof in securiti of the Government of Mysore as the person making tl deposit may choose.

(4) Such notice shall appoint a date, not bei sooner than the tenth day after the date of the issue the notice, on or before which the deposit shall be mad

9. (1) If any newspaper in respect of which a security to be deposited under section 8 contains a words, signs or visible representations which, in tl opinion of the Government are of the nature described section 5, sub-section (1), the Government may, by noti writing to the publisher of such newspaper, stating scribing such words, signs or visible representations.-

(a) where the security has been deposited, decla such security, or any portion thereof, to forfeited to the Government, or

(b) where the security has not been deposite annul the declaration made by the publish of such newspaper under section 5 of the Pre and Registration of Books Act, 1867, as force in Mysore, and may also declare a copies of such newspaper, wherever found Mysore, to be forfeited to Government.

(2) After the expiry of ten days from the date ue of a notice under sub-section (1) declaring a securi any portion thereof, to be forfeited, the declaratic de by the publisher of such newspaper under section the Press and Registration of Books Act, 1867, as ce in Mysore, shall be deemed to be annulled.

10. (1) Where the security given in respect of a wspaper, or any portion thereof, is declared forfeite der section 9 or section 11, any person making a fres claration under section 5 of the Press and Registratio

of Books Act, 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 9 or section 11, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

11. (1) If, after security has been deposited under section 10, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

12. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 4 or section 6 required by the Government or the Magistrate as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section 8 or section 10, as required by the Government or the Magistrate as the case may be,

or publishes such newspaper knowing that such security has not been deposited or publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

Consequence of failure to deposit security as required.

13. (1) Where a deposit is required from the keeper of a printing press under section 4 such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 6, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 8 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore shall be deemed to be annulled.

Return of deposited security in certain cases.

14. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

Issue of search warrant.

15. Where any printing press is or any copies of any newspapers, book or other document are declared forfeited to Government under section 5, section 7, section 9, section 11, or section 13, the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of a Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises.

(i) Where any such property may be or may be reasonably suspected to be; or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and newspapers.

Authorisation of persons to publish news-sheets.

16. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

Power to seize and destroy unauthorised news-sheet and newspapers.

17. (1) Any Police Officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

18. (1) Where a District Magistrate or Sub-Divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to the Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 17.

19. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspapers, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

Forfeiture of newspaper, etc., containing objectionable matters.

20. Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notification in the Official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

Non-transmission by Post.

21. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

Application to High Court to set aside order of forfeiture.

22. (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 4 or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 8, or any person having an interest in any property in respect of which an order of forfeiture has been made under section 5, section 7, section 11 or section 20 may, within two months from the date of such order, apply to the High Court to set aside such order, and the High Court, shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in section 5, sub-section (1).

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 13 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

23. Every such application shall be heard and determined by a Special Bench of the High Court consisting of not less than two Judges.

24. (1) If it appears to the Special Bench on an application under sub-section (1) of section 22 that the words, signs or visible representations contained in the

ıewspaper, book or other document in respect of which he order in question was made were not of the nature lescribed in section 5, sub-section (1), the Special Bench hall set aside the order.

(2) If it appears to the Special Bench on an appli-ation under sub-section (2) of section 22 that the printing-ɔress was not used in contravention of sub-section (1) of ection 13, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among he Judges forming the Special Bench, the decision shall ɔe in accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which con-ɔurs in setting aside the order in question, the order shall ıtand.

25. On the hearing of an application under sub-ɜection (1) of section 22 with reference to any newspaper, ıny copy of such newspaper published after the commence-nent of this Act may be given in evidence in aid of the ɔroof of the nature or tendency of the words, signs or visible representations contained in such newspapers, in respect of which the order was made.

26. The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

27. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of

such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

28. Every warrant issued under this Act, shall so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904.

29. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 22 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

30. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act.

31. All declarations required to be made under section 4, section 5 and section 8 of the Press and Registration of Books Act of 1867 as in force in Mysore shall be made before a District Magistrate.

32. The Mysore Newspapers Act III of 1908 is hereby repealed.

Statement of Objects and Reasons.

The repeal of the Newspaper Act, 1908, has been several times urged in the Representative Assembly and the Legislative Council. A request was made in the Representative Assembly at its last Dasara Session that the present Act may be repealed and if necessary, one more or less on the lines of the British Indian Act placed on the Statute Book. Government expressed willingness to replace the present Act by an Act on nearly the same lines as the law in force in British India and this Bill has been accordingly prepared. The main principles of the Bill are as follows :—

1. The permission of Government must be obtained before the publication of a newspaper as heretofore

2. The Magistrate before whom declaration is made may demand security either from the keeper of the

press or from the publisher of the newspaper under certain circumstances.

3. The Government may, if it appears to them that the press is used for printing or publishing objectionable matter such as incitement to the commission of an offence, seduction of military, sedition, etc., declare the security forfeited or, where no security is deposited, declare the press to be forfeited and the declaration made under the Press and Registration of Books Act, shall be annulled.

4. Where the security has been forfeited, any person making a fresh declaration in respect of such press or newspaper shall deposit a security of a larger amount.

5. If the press or the newspaper is again used for printing or publishing objectionable matter, the Government may forfeit the further security and the fresh declaration shall be annulled. No further declaration in respect of such newspaper shall be made save with the permission of the Government.

6. Failure to deposit security which is ordered is subject to the same penalty as the one to which the person would be liable for failure to make a declaration under the Press and Registration of Books Act.

7. Where a press or copies of a newspaper are declared forfeited, a Magistrate may authorise the Police to search for and seize them.

8. Unauthorised news-sheets or newspapers may be seized or destroyed.

9. Selling, publishing or keeping for sale or publication of any unauthorised news-sheet or newspape is made punishable.

10. Any newspaper, book or document which appears to Government to contain objectionable matte may be declared to be forfeited.

11. Provision is made for application to the Higl Court against the orders of Government demanding security either from the keeper of the press, or from th publisher of a newspaper, or from an order of Governmen forfeiting the press or security deposited by such persons.

The bill closely follows the Criminal Law Amendmen Act of 1935. The penalty of deportation fixed in certai cases under the existing Act is removed and imprisonmen is substituted for certain offences.

NOTIFICATION

No. 1116—L. C., Bangalore, dated 3rd January 193

Under Standing Order No. 49 of the standing orders 'or the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on ;he Mysore Newspapers Bill is published for general nformatio

By Orc

A. SUNDARARAJA
Secretary,
Mysore Legislative Counc

Select Committee Report.

e the members of the Select Committee to w. he Mysore Newspaper Bill was referred have consid ıe several clauses of the Bill and have now the honc ubmit this, our report.

We recommend that the preamble may be change)llows :—

" Whereas it is expedient to amend the law pro ıg for the better control of the publication of newspa nd other printed works containing public news; i ereby enacted as follows :—"

Clause 1.—The title of the Act may be changed the Mysore Press and Newspapers Act " to indicate ɔmprehensive nature of the Act.

Clause 2.—The Bill is intended to apply to ma ublished by any method, including writing by han ypewriting. To make this clear the words " whe rinted, handwritten or typewritten " may be added ıe end of sub-clause (2).

Sub-clause (10) may be changed as follows :—

" (10) 'Undeclared press' means any press ıspect of which there is not, for the time being, a v eclaration under Section 4 of the Press and Registra : Books Act, 1867, as in force in Mysore."

Clause 3.—This may be omitted and the subsequ auses renumbered in view of the promise made Government in the Representative Assembly and Legislative Council.

Clause 4.—(3 as renumbered) :—In sub-clause (3) of his clause for the words "in respect of which security nder the provision of this Act has not been required," ubstitute the words "in respect of which no security nder the provisions of this Act has been required."

Clause 5.—(4 as renumbered)—In order to make the neaning clear it is desirable that sub-clause (1) of this lause is split up into two sub-clauses, one dealing with ases where security has been deposited, and the other ealing with cases where the deposit has been ordered, ut not deposited. We accordingly recommend that the lause may be altered as follows :—

"4(1) Whenever it appears to the Government that ny Printing Press in respect of which any security has een ordered to be deposited under Section 3, sub-ection (1) or (3) and has been so deposited, is used for he purpose of printing or publishing any newspaper, ook or other document containing any words, signs or isible representations which—

(*a*) incite to or encourage, or tend to incite to or o encourage, the commission of any offence of murder or ny cognizable offence involving violence, or

(*b*) directly or indirectly express approval or dmiration of any such offence, or of any person, real r fictitious, who has committed or is alleged or represent-ed to have committed any such offence,

or which tend directly or indirectly,

(*c*) to seduce any officer, sowar, driver or followe n the Mysore Military Forces or any Police Officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty he King-Emperor of India, or His Highness the Maha-raja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King-Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance o him and thereby induce him to deliver to any person ny property or valuable security or to do any act which

he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in any Police Force, or to prejudice the training, discipline or administration, of any such force,

the Government may, by notice in writing to the keeper of such Printing Press stating or describing the words signs or visible representations which in its opinion are of the nature described above, declare such security or any portion thereof to be forfeited to Government.

Explanation (i).—No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty

the King-Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under Section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

(3) Whenever it appears to Government that any printing press, in respect of which any security has been ordered to be deposited under Section 3, sub-section (1) or (3) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in Section 4, sub-section (1), the Government, by notice in writing to the keeper of such Printing Press stating or describing such words, signs or visible representations which in its opinion are of the nature mentioned above, declare the Press to be forfeited to Government.

(4) The Government may, in addition to forfeiting the deposit or any portion thereof under sub-section (1), or forfeiting the Press under sub-section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government."

Clause 12 (11 as renumbered).—In view of the omission of clause 3, the words "or publishes any newspaper without the permission of the Government as required under Section 3 or after such permission has been withdrawn" in sub-clause (2) of this clause may be omitted.

The amount of securities specified in the bill were then considered and after some discussion we were of opinion that some reduction might be made. We recommend that the amount of rupees one thousand specified in clauses 4 (1) and 3 (1) may be reduced to rupees seven hundred and fifty, the maximum amount of rupees three thousand in clauses 4 (3) and 8 (3) to rupees two thousand five-hundred and the maximum amount of rupees ten thousand in clauses 6 (1) and 10 (1) to rupees seven thousand five-hundred.

As the Bill has not been altered materially, we recor-
mend that it need not be republished.

S. P. Rajagopalachari,
(*Chairman*)

B. T. Kesaviengar.

F. A. Hamilton.

Mirle N. Lakshminaranappa.

Mahomed Abbas Khan.

C. Hayavadana Rao.

P. Subbarama Chetty.

G. Girimaji Rao.

K. R. Subbannachar
(subject to a note)

H. V. Ramasvami.

Mr. B. S. Puttaswamy has not intimated his approval
report. His signature will be notified when received.
Note by Mr. K. R. Subbannachar.—

I am of opinion that the Bill should include effective cla
have some control over the papers published outside the State a
the local correspondents of those papers.

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

As amended by the Select Committee

(Omissions are enclosed in square brackets and additions are indicated in italics.)

[WHEREAS it is expedient to provide for the efficient control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows :—]

" *Whereas it is expedient to* ~~*amend the law providing*~~ *for the better control of the publication of* ~~*newspapers*~~ *and other* ~~*printed*~~ *works containing public news: it is hereby enacted as follows :—*

1. (1) This Act may be called the Mysore *Press and* Newspapers Act, 193

(2) It extends to the whole of Mysore

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) " book " includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) " document " includes also any painting, drawing or photograph or other visible representation. ~~*whether printed, handwritten or type-written*~~;

~~(3) " Magistrate " means a Dist~~

(4) " newspaper " means any periodical work containing public news or comments on public news;

(5) " news-sheet " means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section

(6) " press " includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(8) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; [and

(*c*) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which, if granted, has been withdrawn;]

(9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 16 to publish it; and

(10) "undeclared press" means any press [other than a press] in respect of which there is *not*, for the time being, a valid declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.

[3. No newspaper shall, without the written permission of the Government, be published, and any such permission may, at any time, be withdrawn by the Government.]

Control of Printing Presses and Newspapers.

3[4.] (1) Any person keeping a printing press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than [one thousand] ~~seven~~ *hundred* ~~and fifty~~ rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to [three thousand] *two thousand* ~~*and five hundred*~~ rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section [5] *4* in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which *no* security under the provisions of this Act has [not] been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section [5] *4* sub-section (1), the Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than [three thousand] *two thousand* ~~*five hundred*~~ rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security or press forfeited in certain cases.

[5 Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under section 4 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or

fictitious, who has committed or is alleged or represented to have committed any such offence, or which tend directly or indirectly—

(*c*) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty the King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King-Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in any Police Force, or to projudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above :

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

(ii) where security has not been deposited, declare the press to be forfeited to Government, and may also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government.

Explanation.—(i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.]

"*4. (1) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—*

(*a*) *incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or*

(*b*) *directly or indirectly express approval or admiration of any such offence, or of any person, real or*

fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly,

(c) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any Police Officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section His Majesty the King-Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred betwe different classes of His Majesty the King-Emperor India's or His Highness the Maharaja's subjects, or

(i) to prejudice the recruiting of persons to serve any of the Mysore Military Forces or in any police for or to prejudice the training, discipline or administratic of any such force,

the Government may, by notice in writing to t keeper of such printing press stating or describing t words, signs or visible representations which in

opinion are of the nature described above, declare suc security or any portion thereof to be forfeited to Govern ment.

Explanation (i).—No expression of approval o admiration made in a historical or literary work shall b deemed to be of the nature described in this sub-sectio unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of th measures of the Government with a view to obtain thei alteration by lawful means without exciting or attemptin to excite hatred, contempt or disaffection shall not b deemed to be of the nature described in clause (d) *of th sub-section.*

(iii) Comments expressing disapprobation of th administrative or other action of the Government withou exciting or attempting to excite hatred, contempt c disffection, shall not be deemed to be of the nature describe in clause (d) *of this sub-section.*

(iv) Words pointing out, without malicious intentio and with an honest view to their removal, matters which a producing or have a tendency to produce feelings of enmit or hatred between different classes of His Majesty the Kin Emperor of India's or His Highness the Maharaja subjects shall not be deemed to be words of the natu described in clause (h) *of this sub-section.*

(2) After the expiry of ten days from the date the issue of a notice under sub-section (1) declaring security, or any portion thereof, to be forfeited, the decl ration made in respect of such press under section 4 of t Press and Registration of Books Act, 1867, as in force Mysore, shall be deemed to be annulled.

(3) Whenever it appears to Government that an printing press, in respect of which any security has bee ordered to be deposited under section 3, sub-section (1) o (3) and has not been so deposited, is used for the purpose o printing or publishing any newspaper, book or othe document containing any words, signs or visible representa tions of the nature described in sub-section (1), the Gov ernment may, by notice in writing to the keeper of suc printing press stating or describing such words, signs o visible representations which in its opinion are of th nature mentioned above, declare the press to be forfeited t Government.

(4) The Government may, in addition to forfeitin the deposit or any portion thereof under sub-section (1), c forfeiting the press under sub-section (3), also declare a copies of such newspaper, book or other document wherev found in Mysore to be forfeited to Government."

[6]. (1) Where the security given in respect (any press or any portion thereof, has been declared fo: feited under section [5] *4* or section [7] *6*, every perso making a fresh declaration in respect of such press unde section 4 of the Press and Registration of Books Ac 1867, as in force in Mysore, shall deposit with the Magi: trate before whom such declaration is made security t such an amount, not being less than one thousand (more than [ten thousand] *thousand* ~~five hundre~~ rupees as the Magistrate may think fit to require, ir money or the equivalent thereof in securities of th(Government of Mysore as the person making the deposi: may choose.

(2) Where a portion only of the security given ir respect of such press has been declared forfeited unde: section [5] *4* or section [7] *6* any unforfeited balance stil: in deposit shall be taken as part of the amount of securit: required under sub-section (1).

6. [7] (1) If after security has been deposited unde: section [6] *5*, the printing press is again used for the purpos(of printing or publishing any newspaper, book or othe: document containing any words, signs or visible represen- tations which, in the opinion of the Government, are o: the nature described in section [5] *4* sub-section (1), th(Government may, by notice in writing to the keeper o: such printing press, stating or describing such words signs or visible representations, declare—

(*a*) the further security so deposited, or any portior thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

[8]. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than [one thousand] ~~*seven*~~ *hundred* ~~*and fifty*~~ rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose :

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to [three thousand] *two thousand* ~~*five hundred*~~ rupees.

(2) Where security required under sub-section (1) has been deposited ~~to~~ respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section [9]. *8* in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which no security under the provisions of this Act has [not] been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section [5] *4*, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than [three thousand] *two thousand* ~~*five hundred*~~ rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

8. [9.] (1) If any newspaper in respect of which any security has been ordered to be deposited under section [8] *7* contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section [5] *4*, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations.—

where the security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore,

and may also declare all copies of such newspaper, wherever found in Mysore, to be forfeited to Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

9. [10.] (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section [9] *8* or section [11] *10*, any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being less than one thousand or more than [ten thousand] ~~seven~~ *thousand* ~~*five hundred*~~ rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section [9] *8* or section [11] *10*, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

10. [11.] (1) If, after security has been deposited under section [10] *9*, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section [5] *4*, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare— Power to declare further security and newspapers forfeited.

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore,

to be forfeited to Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of Government.

11. [12.] (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section [4] 3 or section [6] *5* as required by the Government or the Magistrate, as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867. Penalty for keeping press or publishing newspaper without making deposit.

(2) Whoever publishes any newspaper without making a deposit under section [8] *7* or section [10] *9*, as required by the Government or the Magistrate, as the case may be, or publishes such newspaper knowing that such security has not been deposited [or publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn] shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

12. [13.] (1) Where a deposit is required from the keeper of a printing press under section [4]*3* such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time Consequence of failure to deposit security as required.

allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section [6] *5*, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to Government.

(3) Where a deposit is required from the publisher of a newspaper under section [8] *7* and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

13. [14.] Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

14. [15.] Where any printing press is, or any copies of any newspaper, book or other document are, declared forfeited to Government under section [5] *4*, section [7] *6*, section [9] *8*, section [11] *10*, or section [13] *12* the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises-

(i) Where any such property may be or may be reasonably suspected to be, or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept

impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at and time revoke an order made by him under sub-section (1).

Power to seize and destroy ur authorised news-shee and news-papers.

16. [17] (1) Any police officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

Powers to seize and forfeit un-declared presses producing unauthorised news-sheets and news papers.

17. [18.] (1) Where a District Magistrate or Sub-Divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such

lace is an undeclared press and is used to produce an nauthorised news-sheet or unauthorised newspaper, he ıay seize such press and any documents found in the lace which in his opinion are unauthorised news-sheets r unauthorised newspapers.

(2) The police officer shall make a report of the earch to the Court which issued the warrant and shall roduce before such Court, ~~as soon as may be~~, all property eized:

Provided that where any press which has been seized annot be readily removed, the police officer may produce efore the Court only such parts thereof as he may think

(3) If such Court, after such inquiry as it may eem requisite, is of opinion that a press seized under this ection is an undeclared press which is used to produc n unauthorised new-sheet or unauthorised newspaper may, by order in writing, declare the press to be forfeite o Government. If after such inquiry the Court i ıot of such opinion, it shall dispose of the press in the ıanner provided in sections 523. 524 and 525 of the Code f Criminal Procedure, 1904.

(4) The Court shall deal with documents produced efore it under this section in the manner provided in ub-section (4) of section [17] 16.

18. [19.] (1) Whoever makes, sells, distributes, ıublishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspaper, shall be punishable with imprisonment which may extend to six mohths, or with fine, or with both

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

stating the grounds of its opinion, declare every copy of t issue of the newspaper and every copy of such book or oth document to be forfeited to Government and the upon any police officer may seize the same wherever fou in Mysore and any Magistrate may by warrant author any police officer not below the rank of Sub-Inspector enter upon and search for the same in any premises whe any copy of such issue or any such book or other doc ment may be reasonably suspected to be.

20. [21.] No unauthorised news-sheet or unauth rised newspaper shall be transmitted by post.

Powers of High Court.

21. [22.] (1) The keeper of a printing press who h been ordered to deposit security under sub-section (3) section [*4*] *3* or the publisher of a newspaper who has be ordered to deposit security under sub-section (3) of se tion [8] *7* or any person having an interest in a property in respect of which an order of forfeiture h been made under section [5] *4*, section [7] *6*, section section [11], *10* or section [20] *19* may, within ~~two mont~~ from the date of such order, apply to the High Court to s aside such order, and the High Court, shall decide if t newspaper, book or other document in respect of whi the order was made did or did not contain any wor signs or visible representation of the nature described section [5] *4*, sub-section (1).

(2) The keeper of a printing press in respect which an order of forfeiture has been made under su section (2) of section [13] *12* on the ground that it h been used in contravention of sub-section (1) of th section may apply to the High Court to set aside the ord on the ground that the press was not so used.

22. [23.] Every such application shall be heard and determined by a Special Bench of the High Court consisting of not less than two Judges. Hearing by Special Bench.

23. [24.] (1) If it appears to the Special Bench on an application under sub-section (1) of section [22] *21* that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section [5] *4*, sub-section (1). the Special Bench shall set aside the order. Order of Special Bench setting aside forfeiture.

(2) If it appears to the Special Bench on an application under sub-section (2) of section [22] *21* that the printing press was not used in contravention of sub-section (1) of section [13] *12*, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

24. [25.] On the hearing of an application under sub-section (1) of section [22] *21* with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words signs or visible representations contained in such newspaper, in respect of which the order was made.

25. [26.] The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

26. [27.] Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904

Provided that if service in such manner cannot be, the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the

publisher's declaration under section 5 of the said Act and thereupon the notice shall be deemed to have been duly served.

27. [28.] Every warrant issued under this Act, shall so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904. Conduct of search.

28. [29.] Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section [22] *21* and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act. Jurisdiction barred.

29. [30.] Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act. Operation o other laws not barred.

30. [31.] All declarations required to be made under section 4 section 5 and section 8 of the Press and Registration of Books Act of 1867, as in force in Mysore, shall be made before a District Magistrate. Declaration before whom to be made.

31. [32.] The Mysore Newspapers Act III of 1908 is hereby repealed. Repeal.

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

As amended by the Select Committee.

(Omissions are enclosed in square brackets and additions are indicated in italics.)

[WHEREAS it is expedient to provide for the efficient control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows :—]

" *Whereas it is expedient* [*to amend the law providing for the better control of the publication of newspapers and other printed works containing public news*;] *it is hereby enacted as follows :—* Preamble.

1. (1) This Act may be called the Mysore *Press and* Newspapers Act, 193 . Short tittle. and extent.

(2) It extends to the whole of Mysore.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) " book " includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) " document " includes also any painting, drawing or photograph or other visible representation ~~*whether printed, handwritten or type-written*~~;

(3) ~~" Magistrate " means a District Magistrate;~~

(3) (4) " newspaper " means any periodical work containing public news or comments on public news;

(4) (5) " news-sheet " means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section [5] *4*;

(5) (6) " press " includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(7) (7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(7) (8) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the ~~Press and Registration of Books Act,~~ 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; [and

(*c*) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which, if granted, has been withdrawn;]

(8) (9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 15 to publish it; and

(9) (10) "undeclared press" means any press [other than a press] in respect of which there is *not*, for the time being, a valid declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.

No newspaper shall, without the written permission of the Government, be published, and any such permission may, at any time, be withdrawn by the Government.]

Control of Printing Presses and Newspapers.

Deposit of security by keepers of printing presses.

3 [4.] (1) Any person keeping a printing press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than [one thousand] *seven hundred and fifty* rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to [three thousand] *two thousand* ~~*and five hundred*~~ rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section ~~[5]~~ *4* in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which *no* security under the provisions of this Act has ~~[not]~~ been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section ~~[5]~~ *4* sub-section (1), the Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than [~~three~~ thousand] *two thousand* ~~*five hundred*~~ rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security or press forfeited in certain cases.

[5 Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under section 4 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or

ictitious, who has committed or is alleged or represented o have committed any such offence, or which tend directly or indirectly—

(*c*) to seduce any officer, sowar, driver or follower n the Mysore Military Forces or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty he King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British ndia and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or ection of His Majesty the King-Emperor of India's ubjects in British India or His Highness the Maharaja's ubjects in Mysore, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness he Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance o him and thereby induce him to deliver to any person ny property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any Police Force, or to prejudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above :

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

(ii) where security has not been deposited, declare the press to be forfeited to Government, and may also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government.

Explanation.—(i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.]

"*4. (1) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—*

(*a*) *incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or*

(*b*) *directly or indirectly express approval or admiration of any such offence, or of any person, real or*

ctitious, who has committed or is alleged or represented to ave committed any such offence,

or which tend directly or indirectly,

(c) to seduce any officer, sowar, driver or follower in he Mysore Military Forces or any Police Officer from his llegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King-Emperor of India, or His Highness the Maharaja, r the Government established by law in British India and n the territories of His Highness the Maharaja, or the dministration of justice in Mysore or any class or section His Majesty the King-Emperor of India's subjects (in British India) or His Highness the Maharaja's subjects n Mysore, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or he said Governments, or

to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects, or

(i) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in any police force, or to prejudice the training, discipline or administration, of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its

pinion are of the nature described above, declare such security or any portion thereof to be forfeited to Government.

Explanation (i).—No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) *of this sub-section.*

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disffection, shall not be deemed to be of the nature described in clause (d) *of this sub-section.*

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (h) *of this sub-section.*

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

(3) Whenever it appears to Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in sub-section (1), the Government may, by notice in writing to the keeper of such printing press stating or describing such words, signs or visible representations which in its opinion are of the nature mentioned above, declare the press to be forfeited to Government.

(4) The Government may, in addition to forfeiting the deposit or any portion thereof under sub-section (1), or forfeiting the press under sub-section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government."

5. [6]. (1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section [5] *4* or section [7] *6*, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than [ten thousand] *seven thousand five hundred* rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section [5] *4* or section [7] *6* any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

[7] (1) If after security has been deposited under section [6] *5*, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section [5] *4* sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare-

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

7. [8]. (1) Any publisher of a newspaper who is quired to make a declaration under section 5 of the ess and Registration of Books Act, 1867, as in force in ysore, may be required by the Magistrate before whom e declaration is made, for reasons to be recorded in riting, to deposit with the Magistrate within ten days om the day on which the declaration is made, security such an amount, not being more than [one-thousand] *en hundred and fifty* rupees, as the Magistrate may in ch case think fit to require, in money or the equivalent ereof in securities of the Government of Mysore as th rson making the deposit may choose :

Provided that if a deposit has been required unde b-section (3) from any previous publisher of the new per, the security which may be required under this sul ction may amount to [three-thousand] *two thousan e-hundred* rupees.

(2) Where security required under sub-section (s been deposited in respect of any newspaper, and f period of three months from the date of the declaratic entioned in sub-section (1) no order is made by th overnment under section [9] *8* in respect of such new per, the security shall, on an application by the publish the newspaper, be refunded.

(3) Whenever it appears to the Government th newspaper published within Mysore in respect of whic security under the provisions of this Act has [not] bee quired, or having been required has been refunded unde sub-section (2), contains any words, signs or visib representations of the nature described in section [5] *4*, sul section (1), the Government may, by notice in writing t the publisher of such newspaper stating or describin uch words, signs or visible representations, require th ublisher to deposit with the Magistrate within whos risdiction the newspaper is published, security to suc n amount, not being less than five hundred or more tha three-thousand] *two thousand five-hundred* rupees, as th overnment may think fit to require, in money or th quivalent thereof in securities of the Government Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not bein ooner than the tenth day after the date of the issue he notice, on or before which the deposit shall b nade.

8. [9.] (1) If any newspaper in respect of which any security has been ordered to be deposited under section [8] *7* contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section [5] *4*, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations.—

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

(*b*) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore

and may also declare all copies of such newspaper wherever found in Mysore, to be forfeited to Government

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

9. [10.] (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section [9] *8* or section [11] *10*, any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being less than one thousand or more than [ten thousand] *seven thousand five hundred* rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section [9] *8* or section [11] *10*, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1)

10. [11.] (1) If, after security has been deposited under section [10] *9*, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section [5] *4*, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

Power to declare further security and newspapers forfeited.

(*a*) the further security so deposited or any portio thereof, and

(*b*) all copies of such newspaper wherever found i Mysore,

to be forfeited to Government.

(2) After the expiry of ten days from the date c the issue of the notice under sub-section (1), the decla ration made by the publisher of such newspaper unde section 5 of the Press and Registration of Books Act, 186 as in force in Mysore, shall be deemed to be annulled an no further declaration in respect of such newspaper sha be made save with the permission of Government.

11. [12.] (1) Whoever keeps in his possession press which is used for the printing of books or pape without making a deposit under section [4] 3 or sectio [6] *5* as required by the Government or the Magistrate, a the case may be, shall, on conviction by a Magistrate, b liable to the penalty to which he would be liable if he ha failed to make the declaration prescribed by section 4 c the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper withou making a deposit under section [8] *7* or section [10] *9*, a required by the Government or the Magistrate, as the ca may be, or publishes such newspaper knowing that suc security has not been deposited [or publishes any new paper without the permission of the Government as require under section 3 or after such permission has been with drawn] shall, on conviction by a Magistrate, be liable t the penalty to which he would be liable if he had faile to make the declaration prescribed by section 5 of the Pre and Registration of Books Act, 186

12. [13.] (1) Where a deposit is required from the keeper of a printing press under section [4] *3* such press shall not be used for the printing or publishing of any news-paper, book or other document after the expiry of the time

allowed to make the deposit until the deposit has bee made, and where a deposit is required from the keeper a printing press under section [6] *5*, such press shall n be so used until the deposit has been made.

(2) Where any printing press is used in contrave tion of sub-section (1), the Government may, by notice i writing to the keeper thereof, declare the press to be fo feited to Government

Where a deposit is required from the publish a newspaper under section [8] *7*, and the deposit is n ade within the time allowed, the declaration made b e publisher under section 5 of the Press and Registratic Books Act, 1867, as in force in Mysore, shall be deem be annulled.

13. [14.] Where any person has deposited ar curity under this Act and ceases to keep the press i spect of which such security was deposited, or being blisher, makes a declaration under section 8 of the Pre d Registration of Books Act, 1867, as in force in Mysor may apply to the Magistrate within whose jurisdictio ch press is situate for the return of the said security d thereupon such security shall, upon proof to the sati ction of the Magistrate and subject to the provisior reinbefore contained, be returned to such person.

14. [15.] Where any printing press is, or any copi any newspaper, book or other document are, declare rfeited to Government under section [5] *4*, section [7] ction [9] *8*, section [11] *10*, or section [13] *12* the Go nment may direct a Magistrate to issue a warra npowering any police officer, not below the rank of Su ispector, to seize and detain any property ordered to b rfeited and to enter upon and search for such propert any premises-

(i) Where any such property may be or may be asonably suspected to be, o

(ii) where any copy of such newspaper, book or other cument is kept for sale, distribution or publication or iblic exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and news-papers

Authorisation of persons to publish news-sheets.

15. [16.] (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to

impose, authorise any person by name to publish a news sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) sha be furnished to the person thereby authorised.

(3) The Magistrate may at ~~and~~ any time revoke a order made by him under sub-section (1).

16. [17] (1) Any police officer, or any other perso empowered in this behalf by the Government, may seiz any unauthorised news-sheet or unauthorised newspape wherever found.

(2) Any District Magistrate, Sub-Division Magistrate or Magistrate of the First Class may b warrant authorise any police officer not below the rank c Sub-Inspector to enter upon and search any place wher any stock of unauthorised news-sheets or unauthorise newspapers may be or may be reasonably suspected to b and such police officer may seize any documents found i such place which, in his opinion, are unauthorised news sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1 shall be produced as soon as may be before a Distric Magistrate, Sub-Divisional Magistrate or Magistrate c the First Class and all documents seized under sub-sectio (2) shall be produced as soon as may be before the Cou of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Cour any of such documents are unauthorised news-sheets c unauthorised newspapers, the Magistrate or Court ma cause them to be destroyed. If, in the opinion of suc Magistrate or Court, any of such documents are nc unauthorised news-sheets or unauthorised newspaper such Magistrate or Court shall dispose of them in th manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

17. [18] (1) Where a District Magistrate or Sub-Divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

place is an undeclared press and is used to produce a unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, ~~as soon as may be~~, all property seize

Provided that where any press which has been seiz cannot be readily removed, the police officer may produ before the Court only such parts thereof as he may thir fit.

If such Court, after such inquiry as it ma deem requisite, is of opinion that a press seized under th section is an undeclared press which is used to produ an unauthorised new-sheet or unauthorised newspape it may, by order in writing, declare the press to be forfeit to Government. If after such inquiry the Court not of such opinion, it shall dispose of the press in th manner provided in sections 523, 524 and 525 of the Co of Criminal Procedure, 1904.

(4) The Court shall deal with documents produce before it under this section in the manner provided i sub-section (4) of section ~~417~~ 16.

(1) Whoever makes, sells, distribute publishes or publicly exhibits or keeps for sale, distributic publication, any unauthorised news-sheet or newspape shall be punishable with imprisonment which may exten six months or with fine or with both.

stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

20. [21.] No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post. Non-transmission by Post.

Powers of High Court.

21. [22.] (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section [4] *3* or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section [8] *7* or any person having an interest in any property in respect of which an order of forfeiture has been made under section [5] *4*, section [7] *6*, section 8, section [11], *10* or section [20] *19* may, within two months from the date of such order, apply to the High Court to set aside such order, and the High Court, shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in section [5] *4*, sub-section (1). Applic to High Court to set aside order of forfeiture.

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section [13] *12* on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

22. [23.] Every such application shall be heard and determined by a ~~Special~~ Bench of the High Court consisting of not less than two Judges. Hearing by Special Bench.

23. [24.] (1) If it appears to the ~~Special~~ Bench on an application under sub-section (1) of section [22] *21* that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section [5] *4*, sub-section (1), the ~~Special~~ Bench shall set aside the order. Order of Special Bench setting aside forfeiture

(2) If it appears to the Special Bench on an appli cation under sub-section (2) of section [22] *21* that th printing press was not used in contravention of sub-sec tion (1) of section [13] *12*, it shall set aside the order o forfeiture.

3) Where there is a difference of opinion amon the Judges forming the Special Bench, the decision shal be in accordance with the opinion of the majority of thos Judges.

(4) Where there is no such majority which con curs in setting aside the order in question, the order shal stand.

24. [25.] On the hearing of an application unde sub-section (1) of section [22] *21* with reference to an newspaper, any copy of such newspaper published after th commencement of this Act may be given in evidence i aid of the proof of the nature or tendency of the words signs or visible representations contained in such news paper, in respect of which the order was made.

25. [26.] The High Court shall, as soon as con veniently may be, frame rules to regulate the procedure i the case of such applications, the amount of the cost thereof and the execution of orders passed thereon, an until such rules are framed, the practice of such Court i proceedings other than suits and appeals shall apply, s far as may be practicable, to such applications.

Supplemental

26. [27.] Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 190

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the

Corresponding Provisions

of the Indian Newspapers Bill

and

the Br. Indian Act

(Press Emergency Powers Act)

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

As amended by the Select Committee.

(Omissions are enclosed in square brackets and additions are indicated in italics.)

[WHEREAS it is expedient to provide for the efficient control of the publication of newspapers and other printed works containing public news: It is hereby enacted as follows

"*Whereas it is expedient to amend the law providing for the better control of the publication of newspapers and other printed works containing public news: it is hereby enacted as follows:*

1. (1) This Act may be called the Mysore *Press and* Newspapers Act, 193

(2) It extends to the whole of Mysore.

Whereas it is expedient to provide for the better control of the Press; It is hereby enacted as follows:-

I(1) This Act may be called the Indian Press (Emergency Powers) Act 1931.

(2) It extends to the whole of British India, inclusive of British Baluchistan and the Sonthal Parganas.

2. In this Act, unless there is anything repugnant the subject or context,— Definitions.

(1) "book" includes every volume, part or division volume, pamphlet and leaflet, in any language, and ry sheet of music, map, chart or plan separately printed ithographed;

(2) "document" includes also any painting, draw- or photograph or other visible representation *whether nted, handwritten or type written*;

(3) "Magistrate" means a District Magistrate;

(4) "newspaper" means any periodical work co ning public news or comments on public news;

(5) "news-sheet" means any document other tha ewspaper containing public news or comments o lic news or any matter described in sub-section (1) ion [5] *4*;

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(2) "High Court" means the highest Civil Court of Appeal for any local area except in the case of the Province of Coorg where it means the High Court of Judicature at Madras.

(3) "Magistrate" means a District Magistrate or chief

(4) "newspaper" means any periodical work containing public news or comments on public news;

(5) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 5; 4

(7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(8) "unauthorised newspaper" means

(*a*) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; [and

(*c*) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which, if granted, has been withdrawn;]

(9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 16 to publish it; and

(10) "undeclared press" means any press [other than a press] in respect of which there is *not*, for the time being, a valid declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.

[3. No newspaper shall, without the written permission of the Government, be published, and any such permission may, at any time, be withdrawn by the

7 (6) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

8 (7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

9 (8) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, ~~as in force in Mysore~~; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; and

(*c*) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which, if granted, has been withdrawn;

10 (9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section ~~16~~ 15 to publish it; and

11 (~~10~~) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867, ~~as in force in Mysore~~.

3[4.] (1) Any person keeping a printing press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than [one thousand] *seven hundred and fifty* rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the

(1) Any person keeping a printing press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, ~~as in force in Mysore,~~ may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of ~~Mysore~~ India as the person making the deposit may choose ;

sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to [three thousand] *two thousand* ıd *five hundred* rupees.

(2) Where security required under sub-section (1) ıs been deposited in respect of any printing press, and r a period of three months from the date of the declara-ɔn mentioned in sub-section (1) no order is made by the overnment under section [5] *4* in respect of such press, e security shall, on application by the keeper of the ess, be refunded.

(3) Whenever it appears to the Government that ıy printing press, in respect of which *no* security under e provisions of this Act has [not] been required, or ıving been required has been refunded under sub-section) is used for the purpose of printing or publishing any ɜwspaper, book or other document containing any words, gns or visible representations of the nature described in ction [5] *4* sub-section (1), the Government may, by ɔtice in writing to the keeper of the press stating or de-ɜribing such words, signs or visible representations, order ıe keeper to deposit with the Magistrate within whose risdiction the press is situated security to such an nount, not being less than five hundred or more than ɜhree thousand] *two thousand five hundred* rupees ; the Government may think fit to require, in money or ıe equivalent thereof in securities of the Government of [ysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being ɔoner than the tenth day after the date of the issue of ıe notice, on or before which the deposit shall be made.

[5 Whenever it appears to the Government that ıy printing press in respect of which any security has ɜen ordered to be deposited under section 4 is used for the ırpose of printing or publishing any newspaper, book or ɜher document containing any words, signs or visible ɜpresentations which—

(*a*) incite to or encourage, or tend to incite to or to ıcourage, the commission of any offence of murder or ıy cognizable offence involving violence, or

(*b*) directly or indirectly express approval or dmiration of any such offence, or of any person, real or

Provided that if a deposit has been required und sub section (3) from any previous keeper of the printin press, the security which may be required under this sul section may amount to three thousand rupees.

(2) Where security required under sub-section (1 has been deposited in respect of any printing press, an for a period of three months from the date of the declara tion mentioned in sub-section (1) no order is made by th Government under section 4 in respect of such press, th security shall, on application by the keeper of the press be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any news-paper, book or other document containing any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of ~~Mysore~~ India as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

4 ~~5~~. Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under section 4 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or which tend directly or indirectly—

ictitious, who has committed or is alleged or represented o have committed any such offence or which tend directly or indirectly—

(c) to seduce any officer, sowar, driver or follower n the Mysore Military Forces or any police officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty he King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British ndia and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or ection of His Majesty the King-Emperor of India's ubjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects, or

(i) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any Police Force, or to projudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above:

(c) to seduce any officer, soldier, sailor or airman in the military naval or air forces of His Majesty, or any police officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any class section of His Majesty's subjects in British India or to excite disaffection towards His Majesty or the said Government. or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty's ~~the King-Emperor of India's or His Highness the Maharaja~~'s subjects, or

(i) to prejudice the recruiting of persons to serve in any of the ~~Mysore Military~~ His Majesty's Forces, or in any Police Force, or to prejudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above:

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

(ii) where security has not been deposited, declare the press to be forfeited to Government, and may also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government.

Explanation.—(i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.]

"*4. (1) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which*—

(*a*) *incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or*

(*b*) *directly or indirectly express approval or admiration of any such offence, or of any person, real or*

(i) where security has been deposited, declar
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(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty's ~~the King Emperor of India's or His Highness the Maharaja's~~ subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, ~~as in force in Mysore~~, shall be deemed to be annulled.

committed any such offence,

or which tend directly or indirectly,

(c) to seduce any officer, sowar, driver or follower in Mysore Military Forces or any Police Officer from his iance or his duty, or

(d) to bring into hatred or contempt His Majesty the -Emperor of India, or His Highness the Maharaja, e Government established by law in British India and e territories of His Highness the Maharaja, or the inistration of justice in Mysore or any class or section Majesty the King-Emperor of India's subjects in ish India or His Highness the Maharaja's subjects ysore, or to excite disaffection towards His Majesty the -Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects, or

(i) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in any police force, or to prejudice the training, discipline or administration, of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its

pinion are of the nature described above, declare su ecurity or any portion thereof to be forfeited to Gove nent.

Explanation (i).—No expression of approval dmiration made in a historical or literary work shall eemed to be of the nature described in this sub-secti nless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of measures of the Government with a view to obtain th alteration by lawful means without exciting or attempti to excite hatred, contempt or disaffection shall not deemed to be of the nature described in clause (d) *of t sub-section.*

(iii) Comments expressing disapprobation of administrative or other action of the Government withc exciting or attempting to excite hatred, contempt c disffection, shall not be deemed to be of the nature describe in clause (d) *of this sub-section.*

(iv) Words pointing out, without malicious intentio and with an honest view to their removal, matters which a producing or have a tendency to produce feelings of enmi or hatred between different classes of His Majesty the Kin Emperor of India's or His Highness the Maharaja subjects shall not be deemed to be words of the natu described in clause (h) *of this sub-section.*

(2) After the expiry of ten days from the date the issue of a notice under sub-section (1) declaring security, or any portion thereof, to be forfeited, the decl ration made in respect of such press under section 4 of th Press and Registration of Books Act, 1867, as in force i Mysore, shall be deemed to be annulled.

(3) Whenever it appears to Government that an printing press, in respect of which any security has bee ordered to be deposited under section 3, sub-section (1) (3) and has not been so deposited, is used for the purpose printing or publishing any newspaper, book or oth document containing any words, signs or visible represent tions of the nature described in sub-section (1), the Go ernment may, by notice in writing to the keeper of suc printing press stating or describing such words, signs visible representations which in its opinion are of th nature mentioned above, declare the press to be forfeited Government

(4) The Government may, in addition to forfeiting the deposit or any portion thereof under sub-section (1), or forfeiting the press under sub-section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government."

5. [6]. (1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section [5] *4* or section [7] *6*, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than [ten thousand] *seven thousand five hundred* rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section [5] *4* or section [7] *6* any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

6. [7] (1) If after security has been deposited under section [6] *5*, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section [5] *4* sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

5 ~~6~~. (1) Where the security given in respect of a press or any portion thereof, has been declared forfeit under section 5 or section 6, every person making a fre declaration in respect of such press under section 4 of t Press and Registration of Books Act, 1867, ~~as in force Mysore~~, shall deposit with the Magistrate before whc such declaration is made security to such an amount, n being less than one thousand or more than ten thousa rupees as the Magistrate may think fit to require, money or the equivalent thereof in securities of tl Government of ~~Mysore~~ India as the person making the depos nay choose.

(2) Where a portion only of the security given i espect of such press has been declared forfeited und ection 5 or section 6 any unforfeited balance still i eposit shall be taken as part of the amount of securit equired under sub-section (1)

6 ~~7~~. (1) If after security has been deposited section 6, 5 the printing press is again used for the p of printing or publishing any newspaper, book or document containing any words, signs or visible rep tations which, in the opinion of the Government, the nature described in section 5, sub-section (Government may, by notice in writing to the ke such printing press, stating or describing such, signs or visible representations, declare—

(*a*) the further security so deposited, or any p thereof, and

(*b*) all copies of such newspaper, book or document wherever found in ~~Mysore~~ B. India forfeited to the ~~Government~~ His Majesty.

(2) After the expiry of ten days from the i a notice under sub-section (1), the declaration m respect of such press under section 4 of the Pres Registration of Books Act, 1867, ~~as in force in M~~ shall be deemed to be annulled.

7. [8]. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than [one thousand] *seven hundred and fifty* rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose :

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to [three thousand] *two thousand five hundred* rupees.

(2) Where security required under sub-section (1) has been deposited to respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section [9] *8* in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which no security under the provisions of this Act has [not] been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section [5] *4*, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than [three thousand] *two thousand five hundred* rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

to make a declaration under section 5 of the Press and Registration of Books Act, 1867, ~~as in force in Mysore~~ may be required by the Magistrate before whom the decla ration is made, for reasons to be recorded in writing t deposit with the Magistrate within ten days from the da on which the declaration is made, security to such a amount, not being more than one thousand rupees, as th Magistrate may in each case think fit to require, in mone or the equivalent thereof in securities of the Governmen of ~~Mysore~~ India as the person making the deposit may choose :

Provided that if a deposit has been required unde sub-section (3) from any previous publisher of the news paper, the security which may be required under this sub section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 9 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the local Government that a newspaper published within ~~Mysore~~ in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 5, sub-section (1), the local Government may, by notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than three thousand rupees, as the local Government may think fit to require, in money or the equivalent thereof in securities of the Government of ~~Mysore~~ India as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, ~~on or~~ before which the deposit shall be made.

8. [9.] (1) If any newspaper in respect of which any security has been ordered to be deposited under section [8] 7 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section [5] 4, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations

(a) where the security has been deposited, declar such security, or any portion thereof, to b forfeited to Government, or

(b) where the security has not been deposited annul the declaration made by the publishe of such newspaper under section 5 of the Pres and Registration of Books Act, 1867, as i force in Mysore,

and may also declare all copies of such newspape wherever found in Mysore, to be forfeited to Governmen

(2) After the expiry of ten days from the date c issue of a notice under sub-section (1) declaring a securit or any portion thereof, to be forfeited, the declaratio made by the publisher of such newspaper under section of the Press and Registration of Books Act, 1867, as i force in Mysore, shall be deemed to be annulled.

9. [10.] (1) Where the security given in respect c any newspaper, or any portion thereof, is declared forfeite under section [9] 8 or section [11] 10, any person makin a fresh declaration under section 5 of the Press an Registration of Books Act, 1867, as in force in Mysore, a publisher of such newspaper, or any other newspaper whic is the same in substance as the said newspaper, shal deposit with the Magistrate before whom the declaratio is made, security to such an amount, not being less tha one thousand or more than [ten thousand] *seven thousan five hundred* rupees, as the Magistrate may think fit t require, in money or the equivalent thereof in securitie of the Government of Mysore as the person making th deposit may choose.

(2) Where a portion only of the security given i respect of such newspaper has been declared forfeite under section [9] 8 or section [11] 10, any unforfeite balance still in deposit shall be taken as part of th amount of security required under sub-section (1).

~~8~~ 9. (1) If any newspaper in respect of which an security to be deposited under section 78 contains an words, signs or visible representations which, in th opinion of the Government are of the nature described i section 5 sub-section (1), the Government may, by notic in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations.—

(a) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(b) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, ~~as in force in Mysore,~~ and may also declare all copies of such newspaper, wherever found in India ~~Mysore~~, to be forfeited to ~~Government~~. His Majesty.

(2) After the expiry of ten days from the date c ue of a notice under sub-section (1) declaring a securit any portion thereof, to be forfeited, the declaratio ade by the publisher of such newspaper under section the Press and Registration of Books Act, 1867, ~~as i~~ ce ~~in Mysore~~, shall be deemed to be annulled.

9 ~~10.~~ (1) Where the security given in respect of an wspaper, or any portion thereof, is declared forfeite der section 8 or section 10, any person making a fresh claration under section 5 of the Press and Registratio

of Books Act, 1867, ~~as in force in Mysore~~, as publis such newspaper, or any other newspaper which same in substance as the said newspaper, shall d with the Magistrate before whom the declaration is security to such an amount, not being less tha thousand or more than ten thousand rupees, as the trate may think fit to require, in money or the equi thereof in securities of the Government of ~~Mysore~~ India a person making the deposit may choose.

(2) Where a portion only of the security gi respect of such newspaper has been declared fo under section 8 or section 10, any unforfeited balan in deposit shall be taken as part of the amount of se required under sub-section (1).

10. [11.] (1) If, after security has been deposited under section [10] *9*, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section [5] *4*, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore,

to be forfeited

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of Government.

11. [12.] (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section [4] 3 or section [6] *5* as required by the Government or the Magistrate, as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section [8] *7* or section [10] *9*, as required by the Government or the Magistrate, as the case may be, or publishes such newspaper knowing that such security has not been deposited [or publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn] shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

12. [13.] (1) Where a deposit is required from the keeper of a printing press under section [4]*3* such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time

10 (1) If, after security has been deposited under section ~~10~~ 9 the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in ~~Mysore~~ India to be forfeited to the ~~Government~~ M.A.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section ~~5~~ 4 of the Press and Registration of Books Act, 1867, ~~as in force in Mysore~~, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

// ~~12.~~ (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section ~~4~~ 3 or section ~~6~~ 5 as required by the Government or the Magistrate as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section ~~8~~ 7 or section ~~10~~ 9, as required by the Government or the Magistrate as the case may be,

publishes such newspaper knowing that such security s not been deposited ~~or publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn~~ all, on conviction by a Magistrate, be liable to the nalty to which he would be liable if he had failed to ake the declaration prescribed by section 5 of the Press d Registration of Books Act, 1867.

llowed to make the deposit until the deposit has been nade, and where a deposit is required from the keeper of printing press under section [6] *5*, such press shall not e so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in vriting to the keeper thereof, declare the press to be forseited to Government.

(3) Where a deposit is required from the publisher f a newspaper under section [8] *7* and the deposit is not nade within the time allowed, the declaration made by he publisher under section 5 of the Press and Registration f Books Act, 1867, as in force in Mysore, shall be deemed o be annulled.

13. [14.] Where any person has deposited any ecurity under this Act and ceases to keep the press in espect of which such security was deposited, or being a ublisher, makes a declaration under section 8 of the Press nd Registration of Books Act, 1867, as in force in Mysore, e may apply to the Magistrate within whose jurisdiction ich press is situate for the return of the said security; nd thereupon such security shall, upon proof to the satisction of the Magistrate and subject to the provisions ereinbefore contained, be returned to such person.

14. [15.] Where any printing press is, or any copies any newspaper, book or other document are, declared rfeited to Government under section [5] *4*, section [7] *6*, ction [9] *8*, section [11] *10*, or section [13] *12* the Govnment may direct a Magistrate to issue a warrant upowering any police officer, not below the rank of Subspector, to seize and detain any property ordered to be rfeited and to enter upon and search for such property any premises—

(i) Where any such property may be or may be asonably suspected to be, or

(ii) where any copy of such newspaper, book or other cument is kept for sale, distribution or publication or blic exhibition or is reasonably suspected to be so kept.

13. (1) Where a deposit is required from the keep of a printing press under section 4 such press shall not b used for the printing or publishing of any newspaper, boo or other document after the expiry of the time allowed t make the deposit until the deposit has been made, an where a deposit is required from the keeper of a printin press under section 6, such press shall not be so use until the deposit has been made.

(2) Where any printing press is used in contraven tion of sub-section (1), the Government may, by notice i writing to the keeper thereof, declare the press to be fo feited to the ~~Government~~. His Majesty

(3) Where a deposit is required from the publishe of a newspaper under section 8 and the deposit is no made within the time allowed, the declaration made b the publisher under section 5 of the Press and Registratio of Books Act, 1867, ~~as in force in Mysore~~ shall be deeme to be annulled.

13 ~~14.~~ Where any person has deposited any securit under this Act and ceases to keep the press in respect o which such security was deposited, or being a publisher makes a declaration under section 8 of the Press an Registration of Books Act, 1867, ~~as in force in Mysore~~, h may apply to the Magistrate within whose jurisdictio such press is situate for the return of the said security and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

14 ~~15~~ Where any printing press is or any copies of any newspapers, book or other document are declared forfeited to ~~Government~~ His Majesty under section 5, section 7, section 9, section 11, or section 13 the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of a Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter

ipose, authorise any person by name to publish a news-
heet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall
e furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an
rder made by him under sub-section (1).

(1) Any police officer, or any other person
mpowered in this behalf by the Government, may seize
ny unauthorised news-sheet or unauthorised newspaper,
herever found.

(2) Any District Magistrate, Sub-Divisional
Iagistrate or Magistrate of the First Class may by
arrant authorise any police officer not below the rank of
ub-Inspector to enter upon and search any place where
ny stock of unauthorised news-sheets or unauthorised
ewspapers may be or may be reasonably suspected to be,
nd such police officer may seize any documents found in
uch place which, in his opinion, are unauthorised news-
heets or unauthorised newspapers.

(3) All documents seized under sub-section (1)
hall be produced as soon as may be before a District
Iagistrate, Sub-Divisional Magistrate or Magistrate of
he First Class and all documents seized under sub-section
2) shall be produced as soon as may be before the Court
f the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court,
ny of such documents are unauthorised news-sheets or
nauthorised newspapers, the Magistrate or Court may
ause them to be destroyed. If, in the opinion of such
Iagistrate or Court, any of such documents are not
nauthorised news-sheets or unauthorised newspapers,
uch Magistrate or Court shall dispose of them in the
nanner provided in sections 523, 524 and 525 of the Code
f Criminal Procedure, 1904.

Authorisation of persons to publish news-sheets.

15 ~~16~~. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

16 ~~17~~. (1) Any Police Officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a ~~District~~ Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, ~~1904~~. 1898.

17. [18.] (1) Where a District Magistrate or Sub-visional Magistrate has reason to believe that an authorised news-sheet or unauthorised newspaper is ing produced from an undeclared press within the nits of his jurisdiction, he may by warrant authorise any lice officer not below the rank of Sub-Inspector to enter ion and search any place wherein such undeclared press ay be or may be reasonably suspected to be, and if, in e opinion of such police officer, any press found in such

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

place is an undeclared press and is used to produce unauthorised news-sheet or unauthorised newspaper, may seize such press and any documents found in place which in his opinion are unauthorised news-sh or unauthorised newspapers.

(2) The police officer shall make a report of search to the Court which issued the warrant and s produce before such Court, as soon as may be, all prop seized:

Provided that where any press which has been sei cannot be readily removed, the police officer may prod before the Court only such parts thereof as he may th fit.

(3) If such Court, after such inquiry as it r deem requisite, is of opinion that a press seized under section is an undeclared press which is used to prod an unauthorised new-sheet or unauthorised newspa it may, by order in writing, declare the press to be forfe to Government. If after such inquiry the Court not of such opinion, it shall dispose of the press in manner provided in sections 523, 524 and 525 of the C of Criminal Procedure, 1904.

(4) The Court shall deal with documents produ before it under this section in the manner provided sub-section (4) of section [17] 16.

18. [19.] (1) Whoever makes, sells, distribu publishes or publicly exhibits or keeps for sale, distribut or publication, any unauthorised news-sheet or newspa shall be punishable with imprisonment which may ext to six mohths, or with fine, or with both.

(2) Notwithstanding anything contained in Code of Criminal Procedure, 1904, any offence punish under sub-section (1), and any abetment of any offence shall be cognizable.

ere a District Magistrate or Su trate has reason to believe that a vs-sheet or unauthorised newspaper rom an undeclared press within th liction, he may by warrant authorise an below the rank of Sub-Inspector to ent ny place wherein such undeclared pre be reasonably suspected to be, and if, i such police officer, any press found in suc leclared press and is used to produce a ews-sheet or unauthorised newspaper, h press and any documents found in th his opinion are unauthorised news-shee l newspapers.

police officer shall make a report of th ourt which issued the warrant and sha such Court, as soon as may be, all propert

hat where any press which has been seize ly removed, the police officer may produc t only such parts thereof as he may thin

ich Court, after such inquiry as it ma is of opinion that a press seized under thi ndeclared press which is used to produc l news-sheet or unauthorised newspaper in writing, declare the press to be forfeite ~~ont~~. If after such inquiry the Court i nion, it shall dispose of the press in th d in sections 523, 524 and 525 of the Cod cedure, 1904.

Court shall deal with documents produce this section in the manner provided i of section ~~17.~~ 16.

hoever makes, sells, distributes, publishe bits or keeps for sale, distribution o unauthorised news-sheet or newspapers ble with imprisonment which may extend r with fine, or with both.

ithstanding anything contained in the l Procedure, ~~1904~~, any offence punishable n (1), and any abetment of any such cognizable.

documents.

19. [20.] Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section [5] *4*, sub-section (1), the Government may, by notification in the official Gazette,

stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

documents.

19 ~~20~~. Where any newspaper, book or other documen wherever made appears to the Government to contai any words, signs or visible representations of the natur described in section 4, sub-section (1), the Governmen may, by notification in the Official Gazette, stating th grounds of its opinion, declare every copy of the issue of th newspaper and every copy of such book or other documen to be forfeited to the ~~Government~~ the Mysore and thereupon an police officer may seize the same wherever found in ~~Mysore~~ and any Magistrate may by warrant authorise any polic officer not below the rank of Sub-Inspector to enter upo nd search for the same in any premises where any copy f such issue or any such book or other document may be easonably suspected to be

20 The Chief Customs-officer or other officer authorized by the Local Governme in this behalf may detain any package brought, whether by land, sea or air, in British India which he suspects to conta any newspapers, books or other documents of the nature described in Section 4 Sub section (1), and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct

20. [21.] No unauthorised news-sheet or unautho- newspaper shall be transmitted by post.

Non-transmission by Post.

mission by Post.

[illegible] No unauthorised news-sheet or unauthorise newspaper shall be transmitted by post.

22. Any officer in charge of a post-office or authorized by the Postmaster-General in this behalf may detain any article other than a lett or parcel in course of transmission by post, which he suspects to contain -

(a) any newspaper, book or other document containing words, signs or visible representations of the nature described in Section 4, Sub-section (1), or

(b) any unauthorized news-sheet or unauthorized newspaper,

and shall deliver all such articles to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

(2) If it appears to the Special Bench on an application under sub-section (2) of section [22] *21* that the printing press was not used in contravention of sub-section (1) of section [13] *12*, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

24. [25.] On the hearing of an application under sub-section (1) of section [22] *21* with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made.

25. [26.] The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable to such applications.

26. [27.] Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the

ewspaper, book or other document in respect of which he order in question was made were not of the nature lescribed in section ~~15~~ 14, sub-section (1), the Special Bench hall set aside the order.

(2) If it appears to the Special Bench on an appli-ation under sub-section (2) of section ~~22~~ 23 that the printing-ress was not used in contravention of sub-section (1) of ection ~~13~~ 12, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion amo he Judges forming the Special Bench, the decision shall e in accordance with the opinion of the majority of those udges.

(4) Where there is no such majority which con-urs in setting aside the order in question, the order shall tand.

~~25.~~ 26 On the hearing of an application under sub-ection (1) of section ~~22~~ 23 with reference to any newspaper, ny copy of such newspaper published after the commence-nent of this Act may be given in evidence in aid of the roof of the nature or tendency of the words, signs or isible representations contained in such newspapers, in espect of which the order was made.

~~26.~~ 27 ~~The~~ Every High Court shall, as soon as conveniently ay be, frame rules to regulate the procedure in the case f such applications, the amount of the costs thereof and he execution of orders passed thereon, and until such ules are framed, the practice of such Court in proceedings ther than suits and appeals shall apply, so far as may be racticable to such applications.

~~27.~~ 28 Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner rovided for the service of summonses under the Code of riminal Procedure, ~~1904~~ 1898:

Provided that if service in such manner cannot by he exercise of due diligence be effected, the serving officer hall, where the notice is directed to the keeper of a press, ffix a copy thereof to some conspicuous part of the place here the press is situate, as described in the keeper's eclaration under section 4 of the Press and Registration f Books Act, 1867, ~~as in force in Mysore~~ and where the otice is directed ~~to~~ the publisher of a newspaper, to some onspicuous part of the premises where the publication of

ıblisher's declaration under section 5 of the said Act: ıd thereupon the notice shall be deemed to have been ıly served.

27. [28.] Every warrant issued under this Act, shall) far as it relates to a search, be executed in the manner :ovided for the execution of search warrants under the ode of Criminal Procedure, 1904. Conduct of search.

28. [29.] Every declaration of forfeiture purporting) be made under this Act shall, as against all persons, be onclusive evidence that the forfeiture therein referred to as taken place, and no proceeding purporting to be taken nder this Act shall be called in question by any Court, xcept the High Court on application under section [22] *1* and no civil or criminal proceeding, except as provided y this Act, shall be instituted against any person for nything done or in good faith intended to be done under his Act. Jurisdiction barred.

29. [30.] Nothing herein contained shall be deemed) prevent any person from being prosecuted under any ther laws for any act or omission which constitutes an ffence against this Act. Operation of other laws not barred.

30. [31.] All declarations required to be made under ection 4 section 5 and section 8 of the Press and Registration of Books Act of 1867, as in force in Mysore, hall be made before a District Magistrate. Declaration before whom to be made.

31. [32.] The Mysore Newspapers Act III of 1908 s hereby repealed. Repeal.

such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

Conduct of search.

29 ~~28~~. Every warrant issued under this Act, shall so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, ~~1904~~ 1898

Jurisdiction barred.

30 ~~29~~. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 22 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

Operation of other laws not barred.

31 ~~30~~. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act.

32. All declarations required to be made under Section 4, section 5, section 8 and section 8-A of the Press and Registration of Books Act, 1867 shall be made in a Presidency-town before the Chief Presidency Magistrate, and elsewhere befor the District Magistrate.

AMENDMENTS TO ACT XXV OF 1867

Short Title:

The short title "Press and Registration of Books Act, 1867" was given to this Act by the Indian Short Titles Act 1897.

Section

The following definitions were added by the Press Law Repeal and Amendment A ct. 1922 (14 of 1922)

"Editor" means the person who controls the selection of the matter that is published in a newspaper.

"newspaper" means any printed ~~work~~ periodical work containin public news or comments on public news.

Section

The words, " the name" were added before the words, "of the publisher" by the Amending Act 1891.

To subclause (4) as renumbered the following proviso was added by Act Act 14 of 1922:-

" Provided that no person who has not attained majority in accordance with the provisions of the Indian Majority Act, 1875, or of the law to which he is subject in respect of the attainment of majority, shall be permitted to make a declaration, prescribed by this section, nor shall any such person edit a newspaper."

Section 7.

Beforethe words "(unless the contrary be proved)" the following words were added by Act 14 of 1922:-

" or, in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor" , and after the words "subscribed to such declaration" the following w were added, "Or printed on such newspaper as the case may be"

For the words, "periodical work" whereever they occur the word "newspaper" was substituted.

A t the end of this section the following words were added,

" or the editor of every portion of that issue of the newspaper of which a copy is produced.

A fter ie following section was added by Act 14 of 1922

8A. If any person, whose name has appeared as editor on a copy a newspaper, claims that he was not the editor of the issue on which his name has som appeared, he may, within two weeks of his becoming aware that his name has been so published, appear before District, Presidency or Sub-divisional Magistrate and make a declaration that his name was incorrectly published in that issue as that of the editor thereof, and if the Magistrate after making such inquiry or causing such inquiry to be made as he may conside necessary is satisfied that such declaration is true, he shall ce accordingly, and on that certificate being given the provisions o section 7 shall not apply to that person in respect of that issue of the newspaper.

The Magistrate may extend the period allowed by this section i any case where he is satisifed that such person was prevented by sufficient cause from appearing and maming the declaration within

After section 11, the following was added as section 11A.

11A . The printer of every newspaper in British India sha deliver at such place adn to such officer as the Provinci Government may, by notification in the official Gazette, and free of expense to the Government, two copies of eanh of such newspaper as soon as it is published.

In sections 12 and 13 and 14, and 15 the amount of fine was red to rupees two thousand and the period of imprisonment to six months by Act 14 of 1922.

Section 15. The words "edit" and "edited" were added before th words "print" and "printed" respectively by Act 14 of 1922.

After section 16 the following was added as 16A by Act 14 o

16A. If any printer of any newspaper published in British India neglects to deliver copies of the same in compliance w section 11A, he shall, on the complaint of the officer to w copies should have been delivered or of any person authorise by that officer in this behalf, be punishable, on conviction a Magistrate having jurisdiction in the place where the news was printed, with fine which may extend to fifty rupees,